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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 571—WHEAT

SUBPART A—WHEAT AND WHEAT FLOUR EXPORT PROGRAM; INTERNATIONAL WHEAT AGREEMENT

TERMS AND CONDITIONS OF 1949–50 WHEAT AND WHEAT FLOUR EXPORT PROGRAM

The Terms and Conditions of 1949–50 Wheat and Wheat Flour Export Program (14 F. R. 4841), are amended as follows:

1. Section 571.4 *Eligible countries* is amended by adding the following eligible countries:

Dominican Republic. Norway.
Egypt. Venezuela.

2. Subparagraph (4) of § 571.5 (b) *Declaration of Sale and Evidence of Sale* is hereby amended so that paragraph (b) reads as follows:

(b) *Declaration of Sale and Evidence of Sale.* (1) The exporter must prepare a Declaration of Sale (Wheat Agreement Form No. 1) and mail it (normally by airmail) to the Administrator within 24 hours after consummation of sale.

(2) The Declaration of Sale must be submitted in quadruplicate, the original and three copies of which shall be signed in an original signature by the exporter or his authorized representative and forwarded to the Administrator. One copy of the Declaration of Sale will be acknowledged and returned to the exporter.

(3) All sales made to any one eligible country during any 24-hour period ending at 2:00 p. m., e. s. t., may be reported on one Declaration of Sale. All information requested on the face of Wheat Agreement Form No. 1, Declaration of Sale, shall be entered. The information required is as follows:

(i) Date and time of sale.
(ii) Name of consignor and consignee.
(iii) Country of final destination.
(iv) Delivery period specified in contract.
(v) Quantity sold:
(*a*) Wheat in bushels.
(*b*) Wheat flour in sacks (_____ lbs. net) which are the equivalent of _____ sacks (100 lbs. net each) of flour which are the equivalent to _____ bushels of wheat.
(vi) Price and basis upon which price determined (price for wheat must be given basis f. o. b. vessel U. S. port on exports from Gulf and East Coast ports and in store U. S. port on exports from the West Coast; price for wheat flour may be given as stated in sales contract).
(vii) Class and grade of wheat; or type and extraction of flour.

(4) The Declaration of Sale must be filed in the name of the exporter who has sold the wheat or wheat flour to a foreign buyer. Persons or firms selling wheat or wheat flour to others who resell such wheat or wheat flour to foreign buyers are not exporters. If a sale is made in a trade name, the Declaration of Sale may be filed under such name provided the name of the actual exporter and the relationship between the two is clearly established by an appropriate signature on the Declaration and all other documents to it, such as:

American Milling Company
(Trade Name)
U. S. Milling Company

(S) JOHN SMITH, *Secretary.*

(5) Supporting evidence as proof of sale must be filed in triplicate with each Declaration of Sale. Such evidence may be in the form of certified true copies of offer and acceptance or other documentary evidence of sale exchanged between exporter and buyer. In the case of flour the exporter must also furnish in triplicate a signed statement or other acceptable evidence, such as an exchange of cables, from both buyer and seller, that the sale is within the terms of the Wheat Agreement.

3. Section 571.6 (b) *Documents required to evidence exportation* is amended so that paragraph (b) reads as follows:

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

(b) *Documents required to evidence exportation by exporter.* Each voucher must be supported by 2 copies of the applicable on board ocean bill(s) of lading; or, if exported by rail or truck, 2 copies of the United States customs certificate(s) which identifies the shipments and shows date of clearance into the foreign country. The final destination shown on the ocean bill(s) of lading or customs certificate(s) must be the eligible country named in the Notice of Sale and Declaration of Sale and the consignee must be identified with the Declaration of Sale and supporting evidence of sale.

If the shipper or consignor named in the on-board ocean bill(s) of lading or the United States customs certificate(s), covering wheat or wheat flour exported, is other than the exporter named in the Notice of Sale and Declaration of Sale, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the on-board ocean bill(s) of lading or United States customs certificate(s) submitted to evidence exportation. If the shipper or consignor is neither the exporter named in the Notice of Sale and Declaration of Sale, nor the consignee identified with the Declaration of Sale and supporting evidence of sale, the exporter must submit, in addition to the waiver, a certification by such shipper or consignor that he acted only as freight forwarder, agent of exporter, or agent of consignee, and not as buyer and seller of the wheat or wheat flour shown on the documents submitted to evidence exportation.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. and Sup. 612C)

Dated this 22d day of September 1949.

[SEAL] RALPH S. TRIGG,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 49–7816; Filed, Sept. 27, 1949; 8:52 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter B—Office of Domestic Commerce

[Allocation Order R–1]

PART 338—ALLOCATION ORDERS

SUBPART: RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

Subpart: Rubber, Synthetic Rubber and Products Thereof, §§ 338.71 to 338.85 (Allocation Order R–1), as amended August 5, 1949, is hereby amended to read as follows:

DEFINITIONS

Sec.
338.71 Definitions.

MANUFACTURING REGULATIONS

338.72 Mandatory consumption of synthetic rubber.
338.73 Exceptions for experimental purposes.

IMPORT RESTRICTIONS

338.74 Restrictions on importation of rubber products.

REPORTS, VIOLATIONS, APPEALS AND COMMUNICATIONS

338.75 Reports of rubber consumption and stocks.
338.76 Other reports.
338.77 Violations.
338.78 Appeals.
338.79 Communications.

SYNTHETIC RUBBER SPECIFICATIONS

338.85 Synthetic rubber specifications for certain products.

AUTHORITY: §§ 338.71 to 338.85 issued under sec. 10, 62 Stat. 1929; 50 U. S. C. App., Sup., 1929; E. O. 9942, April 1, 1948, 13 F. R. 1823; 3 CFR, 1948 Supp.

DEFINITIONS

§ 338.71 *Definitions.* As used in this subpart:

(a) "Natural rubber" means all forms and types of tree, vine, or shrub rubber, including guayule and natural rubber latex, but excluding reclaimed natural rubber.

(b) "Synthetic rubber" means any product of chemical synthesis similar in general properties and applications to natural rubber, and specifically capable of vulcanization, produced in the United States, not including reclaimed synthetic rubber.

(c) "GR–S" means a general-purpose synthetic rubber of the butadiene-styrene type produced in the United States generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by the President, not including reclaimed general purpose synthetic rubber.

(d) "Butyl" means a special-purpose synthetic rubber produced in the United States, suitable for use in the manufacture of transportation items such as pneumatic inner tubes, not including reclaimed special-purpose synthetic rubber.

(e) "Consume" means in the case of natural rubber or synthetic rubber, to compound, expend, formulate or in any manner make any substantial change in the form, shape or chemical composition except where any of these materials are used in the preparation of master-batches or compounds prepared for use in the manufacture of finished products.

(f) "Person" means any individual, firm, copartnership, business trust, corporation, or any organized group of persons whether incorporated or not, and any Government department, agency, officer, corporation, or instrumentality of the United States.

(g) "New RHC" means total new rubber hydrocarbon. This is the total RHC content of natural rubber, synthetic rubber, uncured scrap rubber, uncured in-process materials, and the rubber hydrocarbon content of master-batches or compounds of new RHC.

(h) "Reclaimed rubber" means any material derived from the processing or treatment of vulcanized rubber or cured scrap rubber.

MANUFACTURING REGULATIONS

§ 338.72 *Mandatory consumption of synthetic rubber.* No person shall manufacture any product listed in § 338.85 in any type and size listed in that section unless it conforms with the synthetic rubber specifications designated in that section for that product. The synthetic rubber used to satisfy the mandatory requirements of § 338.85 shall be that produced by the Government or for its account, or purchased from others by the Government for resale by the Government or for its account. Where specifications for tires provide for a group average or tolerance such group average or tolerance must be balanced out each calendar month.

(a) *Military orders.* The provisions of § 338.85 shall not be applicable to orders manufactured for the National Military Establishment.

§ 338.73 *Exception for experimental purposes.* Notwithstanding the provisions of § 338.72, any person may use up to a total of 2,000 pounds of natural rubber during any calendar quarter for experimentation in the manufacture of those sizes and types of tires for which specifications are provided in § 338.85.

IMPORT RESTRICTIONS

§ 338.74 *Restrictions on importation of rubber products.* (a) As used in this subpart, "Import" means to transport in any manner from any foreign country into the continental United States or into any territory or possession of the United States. It does not include shipments into a free port, free zone or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States for trans-shipment to any foreign country.

(b) The importation by any person of any product listed in § 338.85 shall be accompanied by a certificate to be furnished to the Collector of Customs at port of entry, reading substantially as follows:

The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that the products covered by the invoice to which this certificate is attached contain at least the same percent of synthetic rubber (of any type and wherever produced) as is required by § 338.85 of Office of Domestic Commerce Allocation Order R–1 for similar products.

(Signature)

(Date)

(c) The restrictions of this section shall not apply to: (1) The importation of products by a diplomatic representative of any foreign government for his personal use or the use of members of his staff, or by a commercial representative of any foreign government for use in his official business and not for sale; (2) the importation for experimental and testing purposes, but not for sale, of tires and camelback.

REPORTS, VIOLATIONS, APPEALS AND COMMUNICATIONS

§ 338.75 *Reports of rubber consumption and stocks.* Every person who consumed or owned at any time during any month, any type of rubbers listed below in an amount in pounds equal to or in excess of the amounts specified below, shall file a monthly report on Form ODC–3410 with the Rubber Division, Office of Domestic Commerce, Department of Commerce, in accordance with the instructions accompanying the form. This report form covers consumption, stocks, receipts, production and shipments.

Types:	*Amount (pounds)*
Natural rubber	15,000
Natural rubber latex (dry latex solids)	5,000
Reclaimed rubber	10,000
GR–S (all types including GR–S latex)[1]	15,000
Butyl (GR–I), all types[1]	10,000
Neoprene (all types, including neoprene latex)[1]	5,000
Butadiene-Acrylonitrile types[1]	5,000

[1] Includes all types whether obtained from Government or other sources, including imports.

No monthly report need be filed as to any of these types of rubbers if both rubber consumed and rubber owned were each less than the amounts specified above for the particular types of rubbers.

§ 338.76 *Other reports.* (a) Every person who, during the calendar year, consumed or owned amounts of any of the types of rubber listed in § 338.75, in excess of the amount shown for any type, and who has not reported those types of rubber on Form ODC–3410 for all months of the calendar year, shall file an annual report covering consumption and stocks in accordance with the instructions accompanying the annual report form. This report shall be made on Form ODC–49–1 and shall be filed not later than January 31 following the year being reported.

(b) Each manufacturer of tires, tubes and camelback shall file a report on his production, shipments and inventory for each calendar month on Form ODC–3438 with the Rubber Division, in

accordance with the instructions accompanying the form.

(c) Each manufacturer of tires shall file a report of his production of cured tires for each week on Form ODC–4231 with the Rubber Division, in accordance with the instructions accompanying the form.

(d) Any person may be required to file such other reports as may be needed subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 338.77 *Violations.* Any person who wilfully violates any provision of this subpart, or who in connection with this subpart wilfully conceals a material fact or knowingly furnishes false information to any department or agency of the United States Government is guilty of a felony, and upon conviction may be punished by fine or imprisonment.

§ 338.78 *Appeals.* Appeals for relief or exemption from any of the provisions of this subpart or ODC actions thereunder, shall be made in accordance with §§ 336.51 to 336.61 (Allocation Regulation 3), by filing a letter in triplicate with the Rubber Division, specifying the particular provisions appealed from, stating fully the grounds for the appeal, specifying the precise relief desired, and the reasons why the denial of the appeal would result in undue and excessive hardship not suffered by others similarly situated or result in improper discrimination.

§ 338.79 *Communications.* All appeals, all reports to be filed under this subpart and all communications concerning this subpart shall be addressed to: Rubber Division, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., Ref: R–1.

SYNTHETIC RUBBER SPECIFICATIONS

§ 338.85 *Synthetic rubber specifications for certain products*—(a) *Tires.* All pneumatic tires, in any size and type listed below, shall contain GR–S in at least the percentage designated below.

Pneumatic tire groups size and type	Percent GR–S of total natural rubber plus GR–S	
	Minimum group average	Minimum individual tire
Group		
1. All 7.50 and down truck and bus tires, not including low platform trailer and wire tires	35	1
All 7.50 and down farm implement, garden implement and industrial tires	35	5
All passenger and motorcycle, front farm tractor and garden tractor tires	35	5
2. All rear farm tractor and all other farm implement tires, not including rice and cane spade grip tires	75	55

NOTE: The above group averages for Groups 1 and 2 may be reduced by not more than three (3) points, provided the aggregate GR–S consumption in these groups equals the total amount of GR–S which would have been consumed if calculated on the above minimum group averages for Groups 1 and 2.

(b) *Tire tubes*—(1) *Reestablishment of GR–I specifications.* In the event that the consumption of butyl (GR–I) by the entire industry indicates that the total annual consumption will be less than 15,000 long tons, specifications requiring the consumption of butyl (GR–I) in certain types and sizes of tire tubes will be reinstated in this order to the extent necessary.

(2) *Markings on tire tubes.* Every tube containing butyl (GR–I) synthetic rubber shall be marked by the manufacturer with one or more circumferential light blue stripes, applied on the base section of the tube, any one of which stripes shall be 3/16" minimum width. No other tire tube shall be so marked.

(c) *Camelback.* Of the total new RHC consumed in the manufacture of camelback for tires smaller than size 8.25 with less than 5¾" crown width and 1/32" gauge, 100% shall be GR–S.

Issued this 26th day of September 1949.

[SEAL] OFFICE OF DOMESTIC COMMERCE,
RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 49–7855; Filed, Sept. 27, 1949; 9:00 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, and Public Law 164, 81st Cong.; 21 U. S. C. 357) the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (12 F. R. 2215; 13 F. R. 6749) and certification of batches of antibiotic and antibiotic-containing drugs (12 F. R. 2231, 4961; 13 F. R. 2950, 5152, 8386; 14 F. R. 5006) are amended as indicated below.

1. Section 141.108 (a) is amended to read:

§ 141.108 *Dihydrostreptomycin sulfate, crystalline dihydrostreptomycin sulfate, dihydrostreptomycin hydrochloride*—(a) *Potency.* Using the dihydrostreptomycin working standard as a standard of comparison, proceed as directed in § 141.101 (j) and (k).

2a. In § 146.1 *Definitions and interpretations,* paragraph (b) is amended by adding the following new paragraph:

Wherever the term dihydrostreptomycin appears in the regulations in this part it means dihydrostreptomycin sulfate, or dihydrostreptomycin hydrochloride, or a combination of these two, unless otherwise specified.

b. Section 146.1 is further amended by inserting the following new paragraph, numbered (h), after paragraph (g):

(h) The term "dihydrostreptomycin master standard" means a specific lot of crystalline dihydrostreptomycin sulfate which is designated by the Commissioner as the standard of comparison in determining the potency of the dihydrostreptomycin working standard.

c. The paragraphs in § 146.1 formerly numbered (h) through (v) are renumbered (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), and (w), respectively.

d. The paragraph renumbered (m) in § 146.1 is amended by inserting the following sentence between the first and second sentences: "The term 'microgram' applied to dihydrostreptomycin means the dihydrostreptomycin activity (potency) contained in 1.25 micrograms of the dihydrostreptomycin master standard after it is dried for 4 hours at 100° C. and a pressure of 50 microns or less."

e. The paragraph renumbered (n) in § 146.1 is amended by inserting between the words "streptomycin salts;" and "the term 'aureomycin working standard'" the following words: "the term 'dihydrostreptomycin working standard' means a specific lot of a homogeneous preparation of one or more dihydrostreptomycin salts;".

3a. In § 146.4 *Conditions on the effectiveness of certificates,* paragraph (a) (4) is amended by inserting between the words "streptomycin," and "aureomycin," the word "dihydrostreptomycin,".

b. In § 146.4 paragraph (b) (5) is amended by inserting between the words "streptomycin," and "aureomycin," the word "dihydrostreptomycin,".

4. In § 146.8 *Fees* paragraph (c) is amended by inserting between the words "streptomycin," and "aureomycin," the word "dihydrostreptomycin,".

5. In § 146.20 *Exemptions for processing,* paragraph (a) is amended by inserting between the words "streptomycin," and "aureomycin," the word "dihydrostreptomycin,".

6. In § 146.22 *Exemptions for manufacturing use,* paragraph (a) is amended by inserting between the words "streptomycin," and "aureomycin," the word "dihydrostreptomycin," wherever they appear.

7. In § 146.26 *Penicillin ointment,* etc., the first sentence of paragraph (a) *Standards of identity, strength, quality, and purity* * * * is amended to read as follows: "Penicillin ointment is calcium penicillin, crystalline penicillin, or procaine penicillin in a suitable and harmless ointment base with or without a suitable anesthetic."

8a. Section 146.102 (b) is amended to read as follows:

§ 146.102 *Streptomycin ointment.* * * *

(b) *Packaging.* Streptomycin ointment shall be packaged in collapsible tubes which shall be well-closed containers as defined by the U. S. P., and each such tube shall not be larger than the 2-ounce size, except if it is labeled solely for hospital use it may be packaged in immediate containers of glass which meet the tests for tight containers as defined by the U. S. P. The composition of the immediate container and closure shall be such as will not cause any change in the

strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

b. Section 146.102 (d) (3) (i) is amended to read as follows:

(d) *Requests for certification; samples.* * * *

(3) (i) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers or more than 12 immediate containers unless each such container is packaged for hospital use and contains more than 2 ounces, in which case the sample shall consist of approximately 1 ounce of ointment for each 5,000 immediate containers in the batch, but in no case less than five 1-ounce portions or more than twelve 1-ounce portions. Such sample shall be collected by taking single immediate containers or 1-ounce portions at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

9. In § 146.401 *Bacitracin* subparagraph (2) of paragraph (d) *Request for certification;* * * * is amended by changing the period at the end thereof to a comma and adding the following words: "except if the total potency contained in such immediate containers is less than 100,000 units and a sample of such batch has not been previously submitted under subparagraph (3) or (4) of this paragraph, such person shall submit in addition to the quantity specified herein one other container which contains a quantity sufficient to make the total potency of all containers in the sample equal to approximately 100,000 units."

10. In § 146.403 *Bacitracin tablets* the third sentence of paragraph (a) *Standards of identity* * * * is amended to read as follows: "Its moisture content is not more than 5%."

11. In § 146.404 *Bacitracin troches* the third sentence of paragraph (a) *Standards of identity* * * * is amended to read as follows: "Its moisture content is not more than 5%."

12. In § 146.405 *Bacitracin with vasoconstrictor* * * *, the fourth sentence in paragraph (a) *Standards of identity* * * * is amended by changing "2.5%" to "5%."

(Sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a))

This order, which provides for establishing a definition of a dihydrostreptomycin master standard and a dihydrostreptomycin working standard; for the addition of a suitable anesthetic to penicillin ointment; for revising the packaging requirements for streptomycin ointment packaged and labeled solely for hospital use and revising the sampling requirements for such drug so packaged and labeled, when certification is requested; for revising the sampling requirements for bacitracin for topical use, when certification is requested; for changing the moisture standards for bacitracin tablets, bacitracin troches, and bacitracin with vasoconstrictor; and for the use of the dihydrostreptomycin working standard for determining the potency of dihydrostreptomycin, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing a definition of a dihydrostreptomycin master standard and a dihydrostreptomycin working standard; to delay providing for the addition of a suitable anesthetic to penicillin ointment; to delay revising the packaging requirements for streptomycin ointment packaged solely for hospital use and revising the sampling requirements for such drug so packaged and labeled, when certification is requested; to delay revising the sampling requirements for bacitracin for topical use, when certification is requested; to delay changing the moisture standards for bacitracin tablets, bacitracin with vasoconstrictor, and bacitracin troches; and to delay providing for the use of the dihydrostreptomycin working standards for determining the potency of dihydrostreptomycin.

Dated: September 21, 1949.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 49-7808; Filed, Sept. 27, 1949; 8:48 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 171]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 169]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 1b, is amended to describe the counties in the Defense-Rental Area as follows:

Calhoun.

This decontrols Cleburne County, Alabama, a portion of the Anniston, Alabama, Defense-Rental Area.

2. Schedule A, Item 46, is amended to describe the counties in the Defense-Rental Area as follows:

Pueblo.

This decontrols Otero County, Colorado, a portion of the Pueblo, Colorado, Defense-Rental Area.

3. Schedule A, Item 81a, is amended to describe the counties in the Defense-Rental Area as follows:

In Bonneville County, the City of Idaho Falls.

This decontrols the entire Idaho Falls, Idaho, Defense-Rental Area, except the city of Idaho Falls, Idaho.

4. Schedule A, Item 93, is amended to describe the counties in the Defense-Rental Area as follows:

In Carroll County, the City of Savanna.
In Clinton County, the City of Clinton.

This decontrols the entire Savanna-Clinton, Illinois, Defense-Rental Area, except the City of Savanna, Illinois, and Clinton, Iowa.

5. Schedule A, Item 95a, is amended to read as follows:

(95a) [Revoked and decontrolled.]

This decontrols the entire Auburn, Indiana, Defense-Rental Area.

6. Schedule A, Item 119, is amended to describe the counties in the Defense-Rental Area as follows:

In Seward County, the City of Liberal.

This decontrols the entire Liberal, Kansas, Defense-Rental Area, except the City of Liberal, Kansas.

7. Schedule A, Item 125a, is amended to describe the counties in the Defense-Rental Area as follows:

In Graves County, the City of Mayfield.

This decontrols the entire Mayfield, Kentucky, Defense-Rental Area, except the City of Mayfield, Kentucky.

8. Schedule A, Item 128a, is amended to describe the counties in the Defense-Rental Area as follows:

In Pulaski County, the City of Somerset.

This decontrols the entire Somerset, Kentucky, Defense-Rental Area, except the City of Somerset, Kentucky.

9. Schedule A, Item 132, is amended to describe the counties in the Defense-Rental Area as follows:

In Webster Parish, the City of Minden.

This decontrols the entire Minden, Louisiana, Defense-Rental Area, except the City of Minden, Louisiana.

10. Schedule A, Item 139, is amended to describe the counties in the Defense-Rental Area as follows:

City of Baltimore, and the Counties of Baltimore, Carroll, Cecil, Harford; and Howard, except Election Districts 3, 4, and 5; and all of the Ann Arundel, except Election Districts 1, 7, and 8.

This decontrols Election Districts 3, 4, and 5, in Howard County, Maryland, a portion of the Baltimore, Maryland, Defense-Rental Area.

11. Schedule A, Item 156, is amended to describe the counties in the Defense-Rental Area as follows:

St. Clair County, except the Townships of Berlin, Brockway, Burtchville, Casco, Clyde, Columbus, Emmett, Grant, Greenwood, Kenockee, Lynn, Mussey, Riley, and Wales

This decontrols the above townships in St. Clair, Michigan, a portion of the Port Huron, Michigan, Defense-Rental Area.

12. Schedule A, Item 166, is amended to read as follows:

(166) [Revoked and decontrolled.]

This decontrols the entire Hattiesburg, Mississippi, Defense-Rental Area.

13. Schedule A, Item 167a, is amended to describe the counties in the Defense-Rental Area as follows:

In Jones County, the City of Laurel.

This decontrols the entire Laurel, Mississippi, Defense-Rental Area, except the City of Laurel, Mississippi.

14. Schedule A, Item 172, is amended to describe the counties in the Defense-Rental Area as follows:

In Phelps County, the City of Rolla.

This decontrols the entire Rolla-Waynesville, Missouri, Defense-Rental Area, except the City of Rolla, Missouri.

15. Schedule A, Item 173, is amended to describe the counties in the Defense-Rental Area as follows:

Pettis.

This decontrols Johnson County, Missouri, a portion of the Sedalia, Missouri, Defense-Rental Area.

16. Schedule A, Item 175c, is amended to describe the counties in the Defense-Rental Area as follows:

In Missoula County, the City of Missoula.

This decontrols the entire Missoula, Montana, Defense-Rental Area, except the City of Missoula, Montana.

17. Schedule A, Item 283a, is amended to read as follows:

(283a) [Revoked and decontrolled.]

This decontrols the entire Provo-Hot Springs, South Dakota, Defense-Rental Area.

All decontrols effected by this amendment are on the Housing Expediter's own initiative, in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective September 23, 1949.

Issued this 23d day of September 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-7814; Filed, Sept. 27, 1949; 8:51 a. m.]

[Rent Procedural Reg. 2, Amdt. 4]

PART 840—PROCEDURE

MISCELLANEOUS AMENDMENTS

Rent Procedural Regulation 2 (§§ 840.101 to 840.153)[1] is hereby amended in the following respects:

1. The last sentence of § 840.102 is changed by inserting a comma after the word "services" and adding the words "furniture, furnishings and equipment". Said § 840.102 as hereby amended will read as follows:

§ 840.102 *Petitions and applications.* A landlord's petition or a tenant's application for adjustment or other relief including a petition for a certificate relating to eviction, may be filed by any landlord or tenant who requests such adjustment or relief pursuant to a provision of the maximum rent regulation authorizing such action. Where a landlord is seeking a rental adjustment pursuant to the provisions of an applicable maximum rent regulation he must, with his petition, file upon a form prescribed by the Housing Expediter a certificate of maintenance of the services, furniture, furnishings and equipment which he is required to provide.

2. Section 840.105 is changed by deleting from paragraph (a) thereof the words "serve and", and by deleting from paragraph (b) the words ", together with proof of service upon the other party or parties, in the manner provided by § 840.106,". Said § 840.105 as hereby amended will read as follows:

§ 840.105 *Petitioner's or applicant's rebuttal.* (a) Parties shall be afforded a period of seven (7) days from the date of service of the copy of the response within which to file written rebuttal to the response, together with supporting evidence.

(b) The rebuttal must be strictly limited to the matters set forth in the response and must be filed with the Area Rent Director in an original and one (1) copy.

3. The first sentence of § 840.106 (a) is changed by deleting the word "rebuttal". Said sentence as hereby amended will read as follows:

§ 840.106 *Service of papers by landlords and tenants in proceedings in the area rent office.* (a) Wherever this regulation requires a landlord or tenant to serve a petition, application, response, affidavit, notice, or other document upon another party or parties in a proceeding in the area rent office, such service shall be made in the following manner:

4. Subpargaraph (3) of § 840.110 (a) is amended by changing the words "any evidence" to "any relevant evidence" and by changing the words "such opportunity" to "such service or opportunity". Said subparagraph (3) as hereby amended will read as follows:

(3) Serve upon or make available for inspection by the other party any relevant evidence presented by a landlord or tenant and not otherwise required to be served and afford an opportunity to file rebuttal thereto if in his discretion he deems such service or opportunity necessary; or

5. Paragraph (b) of § 840.110 is changed by deleting the last sentence thereof which reads "Any evidence in the record which has not been previously served upon or made available for inspection by any party to the proceeding shall be served upon or made available for inspection by him."

6. Paragraph (c) of § 840.115 is amended by changing the words "three (3) copies" to "one (1) copy", by changing the period at the end of the last sentence thereof to a comma, and by adding at the end thereof the words "and one (1) copy shall be served upon any landlord or tenant who will be affected by the relief sought, in the manner prescribed by § 840.117." Said paragraph (c) as hereby amended will read as follows:

(c) An appeal shall be filed in an original and one (1) copy with the Certifying Officer, Office of the Housing Expediter, Washington 25, D. C.: *Provided, however,* That an appeal directed solely against a regulation shall be filed with the Area Rent Director of the area out of which the appeal arises and the Area Rent Director shall, within ten (10) days of such filing, transmit the appeal to the Housing Expediter. In such case the Area Rent Director may also transmit such pertinent data and materials as are available.

Where the appeal is from an order of an Area Rent Director, a copy of the appeal, accompanying documents and briefs, shall be filed with the Area Rent Director issuing the order being appealed, and one (1) copy shall be served upon any landlord or tenant who will be effected by the relief sought, in the manner prescribed by § 840.117.

7. Subparagraph (1) of § 840.116 (a) is amended by deleting the semicolon at the end thereof and adding the words "and all other persons affected by the relief sought." Said paragraph (1) as amended will read as follows:

(1) The name and postoffice address of the person filing the appeal, whether he is the landlord or tenant of the accommodations, the manner in which such person is affected by the provision of the maximum rent regulation or the order appealed from, the location, by postoffice address or otherwise, of all housing accommodations involved in the appeal and the names and addresses of all other parties in the prior proceedings and all other persons affected by the relief sought;

8. Subparagraph (4) of § 840.116 (a) is amended by changing "§ 840.115 (d)" to "§ 840.115 (c)" and by changing "§ 840.117" to "§ 840.117 (c)". Said subparagraph (4) as hereby amended will read as follows:

(4) A statement that a copy of the appeal and all accompanying documents and briefs has been filed with the Area Rent Director, as provided in § 840.115 (c) and proof of service as prescribed by § 840.117 (c);

9. The second sentence of paragraph (a) of § 840.122 is amended by changing the words "three (3) copies" to "one (1) copy", and by changing "§ 840.117" to "§ 840.117 (c)". Said sentence as hereby amended will read as follows: "Such response shall be filed with the Certifying Officer, Office of the Housing Expediter, Washington 25, D. C., in an original and one (1) copy, together with proof of service upon the other party or parties, as prescribed by § 840.117 (c)."

10. Section 840.123 is amended by changing the words "three (3) copies" to "one (1) copy". Said § 840.123 as hereby amended will read as follows:

[1] 14 F. R. 1783, 3677, 5073, 5271.

§ 840.123 *Submission of briefs.* The parties to an appeal proceeding may serve and file briefs in support of their contentions only with the appeal or response, as the case may be, unless leave is granted to serve and file a brief at some other time. An original and one (1) copy shall be filed.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective as of September 23, 1949.

Issued this 23d day of September 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-7815; Filed, Sept. 27, 1949; 8:52 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5748]

PART 182—INDUSTRIAL ALCOHOL

MISCELLANEOUS AMENDMENTS

1. On August 18, 1949, a notice of proposed rule making regarding industrial alcohol was published in the FEDERAL REGISTER (14 F. R. 5147).

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendments of §§ 182.64, 182.85, 182.87, 182.90, 182.92, 182.175, 182.176, 182.179, 182.182 (new paragraph (c)), 182.183, 182.229 (new paragraph (h)), 182.230, 182.290, 182.322, 182.400, 182.407, 182.408, 182.494, 182.495 (new paragraph (c)), 182.498, 182.514, 182.548, 182.550, 182.556, 182.557, 182.560, 182.561, 182.635, the introductory text of § 182.644 and paragraphs (a) and (b) of § 182.644, 182.645, 182.696, 182.774, 182.904, 182.908, 182.909, 182.910, 182.911, 182.912, and 182.913 of Regulations 3 (26 CFR, Part 182), approved March 6, 1942, relating to the production of industrial alcohol, are amended and §§ 182.491a, 182.493a, 182.502a, 182.511a, 182.521a, and 182.698a are added to such regulations.

EQUIPMENT

INDUSTRIAL ALCOHOL PLANTS

§ 182.64 *Weighing tanks.* Except as provided in § 182.407, the proprietor must provide in the receiving room one or more suitable weighing tanks constructed in accordance with the provisions of § 182.65. If molasses or other liquids are used as distilling materials, a suitable weighing or measuring tank must be provided for determining the quantity thereof. (Secs. 2808, 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

BONDED WAREHOUSES

§ 182.85 *Weighing tanks.* Where alcohol is to be removed by pipe line to tank cars for shipment, or to a denaturing plant on the same premises, or to a rectifying plant on contiguous or nearby premises (as authorized by § 182.82a), or to tank trucks for transfer in bond to another bonded warehouse (as authorized by § 182.550) or to a denaturing plant (as authorized by § 182.560), or where alcohol is to be received in tank cars, or received in tank trucks from an industrial alcohol plant (as authorized by § 182.400) or from another bonded warehouse (as authorized by § 182.550), the proprietor of the warehouse must provide for use in weighing such alcohol one or more suitable weighing tanks, constructed and secured in accordance with the provisions of § 182.65. (Secs. 2808, 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

§ 182.87 *Alcohol storage tanks.* The proprietor of a bonded warehouse must provide a sufficient number of alcohol storage tanks for the storage of alcohol received by pipe line, in railroad tank cars, or in tank trucks. Each such tank must be constructed and secured in accordance with the provisions of § 182.74, and have painted thereon the words "Storage Tank," followed by its serial number and capacity in wine gallons. Each storage tank must be equipped with a suitable measuring device whereby the actual contents will be correctly indicated. Valves must be provided in the pipe connections and so arranged as to control completely the flow of alcohol both into and out of tanks, and so constructed that they may be locked with a Government lock. Except as provided in § 182.74, storage tanks must not be permanently connected with pipe lines for the conveyance of air, distilled water, or other substances than alcohol. (Secs. 2829, 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

DENATURING PLANTS

§ 182.90 *Weighing tanks.* Where alcohol is stored in storage tanks or is received by pipe line from a bonded warehouse on the same premises, and the alcohol is not weighed at the time of transfer in a weighing tank located in the bonded warehouse, or where alcohol is received in tank cars, or is received in tank trucks from an industrial alcohol plant (as authorized by § 182.400) or from a bonded warehouse (as authorized by § 182.560), or where denatured alcohol is to be removed in tank cars, or in tank trucks (as authorized by § 182.728), or by pipe line (as authorized by § 182.98), the proprietor of the denaturing plant must provide for use in weighing such alcohol and denatured alcohol one or more suitable weighing tanks, constructed and secured in accordance with the provisions of § 182.65. (Secs. 2808, 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

§ 182.92 *Alcohol storage tanks.* Where alcohol is received by pipe line from a bonded warehouse on the same premises, or in railroad tank cars, or in tank trucks as authorized by the regulations in this part, a sufficient number of alcohol storage tanks must be installed in the denaturing plant, unless the alcohol is run directly, or through weighing tanks, to mixing tanks, as provided in §§ 182.694 to 182.698. If alcohol is received in barrels or drums only, storage tanks are not required, but the proprietor may, if he so desires, provide such tanks for the storage of alcohol received in packages. Alcohol storage tanks must be constructed and secured in conformity with the provisions of § 182.74 and must be equipped with a suitable measuring device whereby the actual contents will be correctly indicated. Each such tank shall have plainly and legibly painted thereon the words "Alcohol Storage Tank," followed by its serial number and capacity in wine gallons. Valves must be provided in the pipe connections and so arranged as to control completely the flow of spirits both into and out of tanks, and so constructed that they may be locked with a Government lock. Except as provided in § 182.74, storage tanks must not be permanently connected with pipe lines for the conveyance of air, distilled water, or other substances than alcohol. (Secs. 2829, 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

QUALIFYING DOCUMENTS

CARRIERS

§ 182.175 *Application, Form 144.* Every person desiring to transport tax-free alcohol or specially denatured alcohol must file Form 144, "Application for Permit to Transport Tax-free and Specially Denatured Alcohol," in triplicate, for permit so to do. The carrier will specify the mode of transportation, such as railroad, express company, steamship, barge line, truck, etc., and the supervisory districts in which tax-free or specially denatured alcohol will be transported. Where steamship or barge lines or motor carriers operate between certain points and over certain courses or routes, such points and courses or routes will be specified in the application. Where the mode of transportation is by tank truck, the carrier will give the serial number of each tank truck and its capacity. Every person desiring to transport, in tank trucks, undenatured ethyl alcohol for transfer in bond between industrial alcohol plants, industrial alcohol bonded warehouses and denaturing plants pursuant to withdrawal permits, Form 1436 or 1463, as the case may be, must file Form 144, properly modified, in triplicate, for permit so to do. The carrier will give the serial number of each tank truck and its capacity. In cases where transportation is in more than one supervisory district, the application shall be filed with the district supervisor in whose district the principal office or place of business of the applicant is located. The provisions of §§ 182.105, 182.106, 182.115, 182.117, and 182.118 are hereby extended, insofar as applicable, to carriers.

(a) *Persons entitled to permit.* Basic permits to transport tax-free or specially denatured alcohol, or undenatured ethyl alcohol for transfer in bond in tank trucks, shall be issued only to reputable carriers who are actively and regularly engaged generally in the legitimate business of transportation, and who possess adequate facilities to insure safe delivery at destination of any alcohol transported by them. (Secs. 3105, 3107, 3114 (a), 3124 (a) (6), 3176, I. R. C.)

§ 182.176 *Use of motor trucks by railroad, steamship, and express companies.* If the applicant is a railroad, steamship, or express company and operates motor

trucks pursuant to contracts with the owners of such trucks in transporting tax-free alcohol or specially denatured alcohol or in transporting undenatured ethyl alcohol in tank trucks for transfer in bond between industrial alcohol plants, industrial alcohol bonded warehouses and denaturing plants under the carrier's bill of lading, express receipt, waybill, etc., there must be stipulated in the application that "In consideration of the issuance of the basic permit herein applied for, the applicant agrees to assume full responsibility for the safe transportation and proper delivery of any and all such alcohol so possessed for transporting by his said trucking agents; and said applicant further covenants and agrees to pay to the United States all internal revenue taxes, assessments and penalties due by reason of any diversion of said alcohol in the hands of any of his said agents, or as the result of the delivery by any such agent of said alcohol to any person not authorized to receive the same." (Secs. 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

§ 182.179 *Conditions of approval.* No application shall be approved unless and until it is established by the applicant to the satisfaction of the district supervisor that he is a reputable carrier and is actively and regularly engaged generally in the legitimate business of transportation and that he possesses adequate facilities to insure safe delivery at destination of any tax-free alcohol or specially denatured alcohol or undenatured ethyl alcohol in tank trucks which may be transported by him. No application for an original or renewal permit for the transportation in tank trucks of undenatured ethyl alcohol or specially denatured alcohol shall be approved unless and until it is determined by the district supervisor, after inspection, that each tank truck meets the requirements of the regulations in this part. (Secs. 3105, 3107, 3124 (a) (6), I. R. C.)

§ 182.182 *Bond. Form 49.* * * *

(c) *Undenatured ethyl alcohol in tank trucks*—(1) *Transportation by motor carriers.* Motor carriers, as defined in these regulations, in order to transport undenatured ethyl alcohol by tank trucks, between industrial alcohol plants, industrial alcohol bonded warehouses and denaturing plants, must procure permits so to do, in accordance with the regulations in this part and file bond, Form 49, properly modified, in the penal sum specified in § 182.183.

(2) *Transportation by consignors or consignees.* A consignor or consignee, in order to transport undenatured ethyl alcohol between industrial alcohol plants, industrial alcohol bonded warehouses and denaturing plants, in tank trucks controlled and operated by such consignor or consignee, must file application on Form 144 and procure permit, Form 145, authorizing such transportation and file consent of surety, Form 1533, on his bond, Form 1432–A, extending the terms thereof to be liable for the tax, together with penalties and interest on all undenatured ethyl alcohol withdrawn, transported, used, or sold in violation of laws and regulations now or hereafter in force. If the maximum of the present bond is not sufficient when computed as set forth in § 182.183, a new bond in a sufficient penal sum must be furnished to cover the additional liability.

(3) *Present permits and bonds.* Basic permits (Form 145) and bonds now held by motor carriers, and by consignors and consignees, which authorize the transportation of tax-free and specially denatured alcohol, may, on application and the filing of consents of surety, be modified to authorize tank truck shipments of undenatured ethyl alcohol for transfer in bond between industrial alcohol plants, industrial alcohol bonded warehouses and denaturing plants and to contain an undertaking to be liable for the tax, or an amount equal to the tax as provided in subparagraph (2) of this paragraph. The consent of surety (or, if preferred, a new bond) must be filed so that the principal and surety will be responsible to the extent specified in § 182.183. (Secs. 3105, 3107, 3114 (a), 3124 (a) (6), 3176, I. R. C.)

§ 182.183 *Penal sum of bond, Form 49.* The penal sum of the bond must be computed at the rate of not less than $1,000 for each vehicle (other than a tank truck) to be used by the permittee, nor more than $10,000 for all such vehicles so used. The penal sum of the bond for the transportation of specially denatured alcohol in tank trucks shall be in the penal sum of $50,000 for each such tank truck, and not more than $200,000 for the total of all trucks used. The penal sum of the bond for the transportation of undenatured ethyl alcohol in tank trucks for transfer in bond between industrial alcohol plants, industrial alcohol bonded warehouses and denaturing plants shall be in the penal sum of $75,000 for each such tank truck, and not more than $200,000 for the total of all trucks used. Where a permit is obtained authorizing the transportation of tax-free alcohol or specially denatured alcohol in vehicles (other than a tank truck), specially denatured alcohol or undenatured ethyl alcohol in tank trucks, and bond in the maximum penal sum of $200,000 is filed, such bond shall be sufficient to cover the transportation of all tax-free, specially denatured, and undenatured alcohol authorized to be transported by the permit. (Secs. 3105, 3107, 3114 (a), 3124 (a) (6), 3176, I. R. C.)

Basic Permits

Issuance of Original Basic Permits

§ 182.229 *Limitations under permit.* * * *

(h) *Permit to transport undenatured ethyl alcohol in tank trucks, Form 145.* The permit will specify the supervisory districts in which the carrier will be permitted to transport undenatured ethyl alcohol in tank trucks, for transfer in bond between industrial alcohol plants, industrial alcohol bonded warehouses and denaturing plants. If the carrier is a motor carrier operating between certain points and over certain courses or routes, such points and courses or routes will be specified in the permit. The permit shall specify the number of tank trucks to be used by the permittee in the transportation of undenatured ethyl alcohol and the serial number and capacity of each. (Secs. 3105, 3107, 3114, 3124 (a) (6), 3176, I. R. C.)

§ 182.230 *Filing of permits.* Every person receiving a basic permit under the provisions of the regulations in this part must file the same, together with a copy of the application and all qualifying documents in support of the application, in such manner, at the place of business covered by the basic permit, that they may be examined by Government officers. Whenever tax-free or specially denatured alcohol is transported other than by railroad or steamship company, or express company operating thereon, there shall be posted in or on the vehicle of transportation, including motor trucks authorized to be used or be in the possession of the person in charge thereof, a copy of the basic permit (Form 145) under which such transportation is authorized which has been duly certified as a true copy by the district supervisor issuing the same, except that where specially denatured alcohol is transported in a tank truck the certified copy of the basic permit under which such transportation is authorized shall be attached to the route board of the tank truck in accordance with § 182.731. Whenever undenatured ethyl alcohol is transported in tank trucks as authorized by the regulations in this part, a copy of the basic permit (Form 145) under which such transportation is authorized which has been duly certified as a true copy by the district supervisor issuing the same, shall be attached to the route board of the tank truck in accordance with § 182.514. (Secs. 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

Action by District Supervisor

Original Establishment

§ 182.290 *Authority to approve*—(a) *By district supervisor.* District supervisors are authorized to approve applications for basic permits and bonds relating to (1) the use of tax-free alcohol (except by the United States or governmental agency thereof), (2) dealing in specially denatured alcohol, (3) use of denatured alcohol (including the recovery of specially or completely denatured alcohol, or articles in the form of denatured alcohol), (4) the transportation of tax-free or specially denatured alcohol, or undenatured ethyl alcohol in tank trucks for transfer in bond between industrial alcohol plants, industrial alcohol bonded warehouses and denaturing plants, (5) the exportation of alcohol or specially denatured alcohol, (6) the removal of alcohol to customs manufacturing bonded warehouses, and (7) the withdrawal of alcohol tax-free for use on vessels and aircraft. District supervisors are also authorized to approve, insofar as the issuance of basic permit is concerned, applications on Form 1431, for the establishment and operation of industrial alcohol plants, bonded warehouses, and denaturing plants.

(b) *By Commissioner.* The Commissioner will approve applications (except as to the issuance of basic permits) and bonds respecting (1) the establishment and operation of industrial alcohol plants, bonded warehouses, and denaturing plants, and (2) the use of tax-free

and specially denatured alcohol by the United States or governmental agency thereof. (Secs. 3105, 3107, 3114, 3124 (a) (6), 3170, 3176, I. R. C.)

GENERAL REQUIREMENTS REGARDING OPERATIONS

§ 182.322 *Compliance with requirements of law and regulations.* Under no circumstances will a person conduct any operations in connection with the production, storage, tax-payment, or denaturation of alcohol, or use tax-free alcohol or deal in or use specially denatured alcohol, or transport tax-free or specially denatured alcohol, or undenatured ethyl alcohol in tank trucks as authorized by the regulations in this part, or recover denatured alcohol, or articles in the form of denatured alcohol, until compliance with all the requirements of law and these regulations, and the application, bond (if required) and supporting documents have been approved and a basic permit issued pursuant thereto, in accordance with the provisions of the regulations in this part. (Secs. 3105, 3107, 3114, 3115, 3124 (a) (6), 3176, I. R. C.)

OPERATION OF INDUSTRIAL ALCOHOL PLANTS

TAX-PAYMENT, REMOVAL, AND TRANSFER OF ALCOHOL FROM RECEIVING ROOM

§ 182.400 *Authorized removals.* Alcohol produced at industrial alcohol plants, after deposit in the receiving tanks, may be:

(a) Transferred by means of pipe lines to storage tanks in a bonded warehouse on the bonded premises where produced, or to alcohol storage tanks or mixing tanks in a denaturing plant located on the bonded premises where produced.

(b) Drawn into tank cars or other approved containers or drawn into tank trucks and transferred to any bonded warehouse for storage therein, or to any denaturing plant for denaturation.

(c) Withdrawn upon payment of tax without being entered into a bonded warehouse.

(d) Tax-paid and transferred by pipe line to a rectifying plant on contiguous or nearby premises, as authorized by §§ 182.574a to 182.574g.

(e) Removed for lawful tax-free purposes. (Secs. 2885, 2891, 3105, 3106, 3107, 3108, 3124 (a) (6), 3176, I. R. C.; sec. 309 (a), Tariff Act of 1930 (19 U. S. C., Supp. V, 1309 (a))

DRAWING OFF, GAUGING, AND REMOVAL OF ALCOHOL

§ 182.407 *Weighing alcohol removed by pipe line.* Where alcohol is to be removed by pipe line, the same will be weighed in a weighing tank before removal from the receiving room, except that where alcohol is transferred by pipe line from the receiving tanks to a bonded warehouse or denaturing plant on the industrial alcohol plant premises, and no weighing tank is provided in the receiving room, the alcohol may be run into weighing tanks in the bonded warehouse or denaturing plant, respectively, and weighed therein. The alcohol must, in any event, be weighed once in connection with its transfer to the bonded warehouse or the denaturing plant. Where alcohol is transferred from receiving tanks to tank cars or tank trucks one or more weighing tanks must be provided in the receiving room and all alcohol removed by pipe line must be weighed in such weighing tanks, and the correct weight will be recorded by the proprietor on the appropriate forms. The storekeeper-gauger will balance the scales upon which the weighing tank is mounted before the alcohol is run into such tank. Scales used for weighing alcohol in lots of not over 500 gallons will be tested from time to time under the supervision of the storekeeper-gauger, by means of test weights, provided in accordance with § 182.66. Such scales will be tested by placing the prescribed test weights on the scales and checking the weight registered on the beam or dial of the scales. The test weights will then be removed without disturbing the beam or dial and the weighing tank filled with alcohol or water to the same weight, whereupon the test weights will again be placed upon the scales, the alcohol or water being retained in the tank and the weight registered on the beam or dial checked. This operation will be continued until the scales have been checked in 500-pound notches at all weights for which the scales are used. Storekeeper-gaugers will, from time to time, check the gallonage indicated by scales used for weighing alcohol in larger lots against the gallonage indicated by volumetric determination of the contents of the tank. Such volumetric determination will be made by (a) accurately ascertaining the proof and temperature of the alcohol, and the depth of the liquid in the tank by means of a steel tape, (b) multiplying the depth in inches by the capacity of the tank for 1 inch of depth, and (c) correcting the volume to 60 degrees Fahrenheit in accordance with Table No. 7 of the Gauging Manual. The corrected wine gallonage thus determined can then be compared with the wine gallons indicated by the scales. The storekeeper-gauger will not permit the use of any scales found to be inaccurate. (Secs. 2808, 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

§ 182.408 *Pipe-line removals.* A pipe line used for the transfer of alcohol from the receiving room to storage tanks in a bonded warehouse, or to a denaturing plant on the industrial alcohol plant premises, or to railroad tank cars or tank trucks for shipment, must conform to the requirements of § 182.82, except that alcohol may be transferred into a tank car or tank truck by means of a hose connection where the same is in full view of the Government officer throughout its entire length. The valves on such pipe line shall be kept closed and locked at all times, except when necessary to be opened for the transfer of alcohol. The keys to all locks on the valves of pipe lines shall remain at all times in the custody of the storekeeper-gauger. Alcohol may be transferred by pipe line only under the immediate supervision of the storekeeper-gauger. (Secs. 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

OPERATION OF INDUSTRIAL ALCOHOL BONDED WAREHOUSE

RECEIPT OF ALCOHOL

§ 182.491a *In tank trucks from an industrial alcohol plant or another bonded warehouse.* When alcohol is received in a tank truck from an industrial alcohol plant not on the same premises or from another bonded warehouse, the seals must be broken by the storekeeper-gauger assigned to the receiving bonded warehouse and no undenatured ethyl alcohol may be removed from the tank truck, except in the presence of such officer. When the alcohol is received at the warehouse, the shipment will be examined by the proprietor and the storekeeper-gauger, in accordance with § 182.493a. (Secs. 3101, 3105, 3107, 3113, 3124 (a) (6), 3176, I. R. C.)

§ 182.493a *Examination of tank truck.* When a tank truck is received, it will be examined, and if it bears evidence of loss by leakage, theft, or otherwise, or if the gauge of its contents discloses a loss or shortage, the storekeeper-gauger will make a report of the loss to the district supervisor similar to that required when packages which have sustained a loss in transit are received. (Secs. 3105, 3107, 3113, 3124 (a) (6), 3176, I. R. C.)

§ 182.494 *Deposit in receiving warehouse.* Upon completion of the examination of the containers, the proprietor will accurately determine the quantity received and will check in the receipt of the alcohol against Form 1440 in the presence of the storekeeper-gauger and will execute the certificate of receipt on both copies of the form, and will note thereon and on Form 1443–A, or Form 1443–B, any loss or deficiency in the shipment. The proprietor will then file one copy of Form 1440 as a permanent record, as provided in § 182.643 (a), and at the close of the day will deliver the other copy with Form 1441 to the storekeeper-gauger for transmittal to the district supervisor of his district. On the day of receipt of the alcohol, the storekeeper-gauger shall fill in the certificate of receipt on Form 1439, noting any losses and discrepancies. Where a loss in transit is sustained the storekeeper-gauger will report the total loss and, in the case of packages, the loss from each package. The receipted form shall be forwarded to the district supervisor of the district from which the alcohol was shipped. Such district supervisor will check daily, on receipt, each Form 1439 covering a tank truck shipment, and make any inquiry which he deems necessary with respect to any discrepancy. In the event of failure to receive a form from the storekeeper-gauger at the consignee's premises within the time normally required for the truck to make the shipment and the form to be sent by mail, the district supervisor will make appropriate investigation. (Secs. 3101, 3105, 3107, 3113, 3124 (a) (6), 3176, I. R. C.)

§ 182.495 *Method of deposit.* * * *

(c) *Alcohol received in tank trucks.* Undenatured ethyl alcohol received in tank trucks shall be gauged and transferred immediately to storage tanks. The

seals must be broken by the storekeeper-gauger assigned to the bonded warehouse and no undenatured ethyl alcohol may be removed from the tank truck, except in the presence of such officer. (Secs. 3101, 3105, 3107, 3113, 3124 (a) (6), 3176, I. R. C.)

REMOVAL OF ALCOHOL FROM RECEIVING AND STORAGE TANKS

§ 182.498 *Gauge on withdrawal.* Where alcohol is drawn into drums, barrels, or similar containers from receiving and storage tanks, the packages shall be gauged in accordance with the provisions of the Gauging Manual (26 CFR, Part 186). Where alcohol is drawn into tank cars, drawn into tank trucks, or is transferred by pipe line, as authorized by the regulations in this part, such alcohol shall be gauged in accordance with the rules prescribed in the regulations in this part and in the Gauging Manual; the weight of the alcohol will be determined by means of weighing tanks, as provided in § 182.407. Alcohol may be drawn from receiving and storage tanks only under the immediate supervision of the storekeeper-gauger.

(a) *Fractional parts of a gallon.* All fractional parts of a gallon less than one-tenth, shown in the Gauging Manual, shall be disregarded in gauging alcohol. For example, a package of 190 degrees proof alcohol, weighing 326 pounds net, shall be reported on Form 1440 as containing 47.90 wine gallons and 91.10 proof gallons. A package containing 190 degrees proof alcohol, weighing 340 pounds, shall be reported as containing 50 wine gallons and 95 proof gallons.

(b) *Details of gauge.* The details of all alcohol gauged in the bonded warehouse shall be recorded by the proprietor on Form 1440, as hereinafter provided. (Secs. 3101, 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

§ 182.502a *Filling of tank truck.* The tank truck must be filled in the immediate presence of the storekeeper-gauger. Prior to filling, the storekeeper-gauger shall determine whether the tank truck is authorized to be used by comparing the serial number and the capacity of the tank as marked thereon, with the copy of the basic permit, and will inspect all openings to the tank truck to determine whether they may be effectively sealed. If the tank truck does not meet such requirements, its use for the transportation of undenatured ethyl alcohol will not be permitted. After filling, the storekeeper-gauger shall seal the tank truck in such a manner as will secure all openings affording access to the contents of the tank. The proprietor will enter on Form 1440, covering the gauge of the alcohol, the number of inches of undenatured ethyl alcohol loaded into each compartment and the temperature thereof at the time of filling, the name of the carrier, the number of the tank truck, the State license number of the truck, the driver's full name, and the driver's permit number and State issuing the same, the destination, the date of shipment, and the serial numbers of the cap seals used. (Secs. 3101, 3105, 3107, 3108, 3124 (a) (6), 3176, I. R. C.)

APPROVED CONTAINERS

§ 182.511a *Tank trucks.* Undenatured ethyl alcohol may be transported by tank trucks only where suitable storage tanks are provided on the receiving bonded warehouse premises. The manhole covers, outlet valves and all other openings on tank trucks used for shipping undenatured ethyl alcohol shall be equipped with facilities for sealing so that the contents cannot be removed without showing evidence of tampering. Serially numbered cap seals for use on such tank trucks shall be furnished by the Government and affixed by the storekeeper-gauger. Immediately after filling, the tank truck shall be sealed in such a manner as will secure all openings affording access to the contents of the tank. (Secs. 3101, 3105, 3107, 3108, 3124 (a) (6), 3176, I. R. C.)

§ 182.514 *Tank trucks.* Tank trucks may be used for transporting undenatured ethyl alcohol subject to the provisions of the regulations in this part. Every tank truck used to transport undenatured ethyl alcohol must conform to the following requirements: The tank shall be securely and permanently attached to the frame or chassis of the truck or trailer and shall be securely constructed. Interior bulkheads or stiffeners must have proper drainage cut-outs. Manhole covers, outlet valves, vents or pressure relief valves, and all other openings shall be equipped for sealing so as to prevent unauthorized access to the contents of the tank. Outlets of each compartment must be so arranged that delivery of any compartment will not afford access to the contents of any other compartment. Partial delivery, by meter or otherwise, will not be permitted. There shall be but one consignor per load and not less than the entire contents of any one compartment shall be delivered to any one consignee. Calibrated charts, prepared or certified by competent and recognized authorities or engineers, showing the capacity of each compartment in wine gallons for each inch of depth shall be carried in each truck. Each tank truck shall also be equipped with a route board, at least 10 by 12 inches, constructed of substantial material and permanently attached thereto by roundheaded or carriage bolts, nutted and riveted, battered or welded. Provision will also be made for protection, against the weather, of the permit and label by the use of celluloid or equally substantial material. A copy of the basic permit (Form 145) under which transportation is authorized (as required by § 182.230) and the prescribed label (as required by § 182.521a) will be affixed to such route board. Tanks shall be so constructed that they will completely drain the contents of each compartment, even when the ground is not perfectly level. Suitable ladders and catwalks, permanently attached, must be provided in order to permit ready examination of manholes and other openings. Provision shall be made for the proper grounding of tank trucks when filling or emptying. (Secs. 3101, 3105, 3107, 3108, 3124 (a) (6), 3176, I. R. C.)

MARKS, BRANDS AND STAMPS

§ 182.521a *Tank trucks.* Each tank truck used to transport undenatured ethyl alcohol must have permanently and legibly marked or painted thereon its number, capacity in wine gallons, and the name of the owner in letters at least four inches in height. If the tank truck consists of two or more compartments, each compartment must be identified by a letter of the alphabet, such as "A," "B," etc., and the capacity in wine gallons of each compartment must be marked thereon. The consignor shall securely attach to the route board of each tank truck, a label showing the name, registry number, and location (city or town and State) of the shipping industrial alcohol plant or bonded warehouse; the name, registry number and location (city or town and State) of the receiving industrial alcohol bonded warehouse or denaturing plant, followed by the date of shipment; and the quantity in wine and proof gallons of undenatured ethyl alcohol contained in each compartment. Such label shall be destroyed upon emptying the tank truck. (Secs. 2808, 3105, 3107, 3108, 3124 (a) (6), 3176, I. R. C.)

REMOVAL OF ALCOHOL FROM WAREHOUSE

§ 182.548 *Transportation* — (a) *In bond.* Alcohol shipped in bond to another bonded warehouse, in containers other than tank trucks, shall be transported to the premises of the receiving warehouse by the proprietor of the shipping warehouse; or by a railroad or steamship company, or an express company operating thereon; or by a motor carrier who holds a permit to transport tax-free or specially denatured alcohol or who has qualified with the Interstate Commerce Commission as a "self insurer"; or by other carriers, including motor and barge lines, who are actively and regularly engaged in the legitimate business of transportation and who possess adequate facilities to insure safe delivery at destination of any alcohol transported by them, and who are approved by the district supervisor. Alcohol shipped in bond to another bonded warehouse or to a denaturing plant in tank trucks shall be transported to the premises of the receiving bonded warehouse or denaturing plant by the proprietor of the shipping warehouse, or by the proprietor of the receiving bonded warehouse or denaturing plant, or by a motor carrier, who holds a permit, Form 145, to transport undenatured ethyl alcohol in tank trucks.

(b) *Tax-free.* Alcohol withdrawn free of tax for denaturation, export, transfer to customs manufacturing bonded warehouse, use on vessels and aircraft, use of the United States or any governmental agency thereof, the several States and Territories or any municipal subdivision thereof, or the District of Columbia, hospitals, sanatoriums, colleges, laboratories, scientific purposes, etc., must be transported to the premises of the consignee or, if withdrawn for export, to the port of export, by the proprietor of the bonded warehouse or a carrier holding permit on Form 145 to transport tax-free alcohol: *Provided,* That the consignee may transport the alcohol from the premises of the

delivering carrier at the place of destination to his own premises or, in the case of export, or use on vessels and aircraft, to the point of lading.

(c) *Method of transportation.* Alcohol shipped in bond or tax-free in accordance with paragraphs (a) and (b) of this section, must be transported by the proprietor of the bonded warehouse or the authorized carrier personally, or by some person regularly and exclusively in their employ, and the right to the possession of any vehicle used for such transportation must be vested in the vendor or carrier.

(d) *Responsibility for delivery.* The consignor will be responsible for proper delivery of alcohol shipped in bond or tax-free to an authorized carrier, or to the premises of the consignee when delivery is made by the consignor. The consignee will likewise be responsible for the proper delivery to his permit premises of alcohol shipped to him in bond or tax-free and transported by him from the premises of the authorized carrier. Failure to make such delivery will be deemed to be grounds for citation for revocation of the basic permit of the person responsible for the proper delivery of the alcohol.

(e) *Certificate in bill of lading, waybill, etc.* When alcohol is transported by a carrier, as authorized herein, the proprietor of the shipping warehouse shall include in his bill of lading, waybill, express receipt, etc., a statement to the following effect: "Before making delivery, the agent of the delivering carrier at destination must have received from the consignee a certified copy of the withdrawal permit authorizing this shipment."

(1) *Exception; written statement.* Where no bill of lading is issued, as in the case of delivery by local express company, a written statement to the above effect, signed by the shipper, shall be delivered to the carrier. (Secs. 3070 (a), 3105, 3107, 3108, 3114, 3124 (a) (6), 3176, I. R. C.)

TRANSFER OF ALCOHOL IN BOND BETWEEN BONDED WAREHOUSES

§ 182.550 *General.* Alcohol may be transferred in bond from any bonded warehouse in original packages or other approved containers, or in tank trucks, after the same has been correctly weighed and proofed to determine the exact contents of each package, unless withdrawn on the original gauge, to another bonded warehouse as hereinafter provided. (Secs. 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

§ 182.556 *Report of gauge, Form 1440.* The proprietor will prepare Form 1440, in quadruplicate, giving the details of the regauge, or original gauge if withdrawn on such gauge, of the alcohol. The proprietor will deliver all copies of the form to the storekeeper-gauger in charge, who shall upon shipment forward one copy to the supervisor of the district in which the shipping warehouse is located, and two copies, with one copy of Form 1439, to the storekeeper-gauger in charge of the receiving warehouse, and return the remaining copy to the proprietor of the shipping warehouse, who shall file the same as a permanent withdrawal record, as provided in § 182.643 (b). When shipment is made by tank truck as authorized by the regulations in this part, one copy each of Forms 1439 and 1440 for the storekeeper-gauger in charge at the receiving warehouse will be sealed in an envelope addressed to such storekeeper-gauger in charge and handed to the person in charge of the truck for delivery to the storekeeper-gauger in charge and the remaining copy of Form 1440 will be mailed to such storekeeper-gauger in charge. (Secs. 3101, 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

§ 182.557 *Report of shipment, Form 1439.* When alcohol is transferred in bond to another bonded warehouse, the proprietor shall, at the time of shipment, prepare Form 1439, in duplicate, if shipment is made to a warehouse located within the same district, or in triplicate, if shipment is made to a warehouse located in another district, and immediately deliver all copies thereof to the storekeeper-gauger in charge, who shall, on the same day, forward one copy to the supervisor of the district from which the alcohol is shipped, one copy to the supervisor of the district to which the alcohol is shipped (where shipment is to another district), and the remaining copy to the storekeeper-gauger in charge of the receiving bonded warehouse, who, upon receipt of the alcohol, will dispose of the form in accordance with § 182.494. When shipment is made by tank truck in accordance with the regulations in this part, the copy of Form 1439 for the storekeeper-gauger in charge of the receiving bonded warehouse will be disposed of as provided by § 182.556. (Secs. 3101, 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

WITHDRAWAL FOR DENATURATION

§ 182.560 *Shipment to denaturing plant located on other premises.* Alcohol may be withdrawn from a bonded warehouse for shipment to a denaturing plant located on other premises only pursuant to withdrawal permit, Form 1463, authorizing such shipment. Alcohol may be so shipped in tank cars, drums, or other approved containers, or in tank trucks. Such shipments may not be made until the proprietor of the bonded warehouse has received from the denaturer the withdrawal permit, Form 1463, naming him as vendor, and then only in the quantity specified in the withdrawal permit. Upon shipment the proprietor of the bonded warehouse will enter the shipment on the permit and return it to the denaturer, unless he has been authorized by the denaturer to retain the permit for the purpose of making future shipments.

(a) *Form 1439.* When alcohol is shipped to a denaturing plant located on other premises, the proprietor of the warehouse shall prepare Form 1439, in duplicate, if shipment is made to a denaturing plant located in the same district, or in triplicate, if shipment is made to a denaturing plant located in another district, and immediately deliver all copies thereof to the storekeeper-gauger in charge, who shall, on the same day, forward one copy to the district supervisor of the district from which the alcohol is shipped, one copy to the district supervisor of the district to which the alcohol is shipped (where shipment is to another district), and the remaining copy to the storekeeper-gauger in charge of the denaturing plant. When the shipment is made by tank truck as authorized by the regulations in this part, the copy of Form 1439 for the storekeeper-gauger in charge at the receiving denaturing plant will be disposed of in accordance with § 182.561 (a). (Secs. 3070 (a), 3101, 3105, 3107, 3108 (a), 3114 (a), 3124 (a) (6), 3176, I. R. C.)

§ 182.561 *Gauging, marking, and stamping upon withdrawal.* When alcohol is transferred by pipe line, or shipped in tank cars or tank trucks, to a denaturing plant, it will be run into a weighing tank and weighed and proofed by the proprietor, in accordance with §§ 182.405 and 182.407. When alcohol is transferred or shipped to a denaturing plant in other approved containers, the proprietor will regauge the packages, unless withdrawn on the original gauge, and will mark each package in accordance with §§ 182.518 to 182.524: *Provided,* That where packages are transferred to a denaturing plant on the same premises the regauged markings prescribed by § 182.522 need not be placed upon the packages: *And provided further,* That where packages are filled from the receiving tanks of the industrial alcohol plant or from storage tanks in the bonded warehouse for transfer to the denaturing plant located on the same premises, and the alcohol is to be denatured immediately in such packages and the location of the receiving room, bonded warehouse and denaturing plant is such that the packages are transferred from the receiving room or bonded warehouse to the denaturing plant in the immediate personal presence of the storekeeper-gauger and under his constant observation, the district supervisor may authorize the data, which the regulations in this part require to be marked upon the Government head or side of the package, to be placed upon a label attached to the head or side of the container, in lieu of being printed, stenciled, or cut thereon. Such label shall be destroyed when the contents of the package are denatured.

(a) *Form 1440.* The proprietor will prepare Form 1440, in quadruplicate, giving the details of the regauge, or original gauge if withdrawn on such gauge, of the alcohol. The proprietor will deliver all copies of the form to the storekeeper-gauger in charge, who shall upon shipment forward one copy to the supervisor of the district in which the bonded warehouse is located, and two copies with one copy of Form 1439 to the storekeeper-gauger in charge of the denaturing plant, and return the remaining copy to the proprietor of the warehouse, who shall file the same as a permanent withdrawal record, as provided in § 182.643. When shipment is made by tank truck as authorized by the regulations in this part, one copy each of Forms 1439 and 1440 for the storekeeper-gauger in charge at the receiving denaturing plant will be sealed in an envelope addressed to such store-

keeper-gauger in charge and handed to the person in charge of the truck for delivery to the storekeeper-gauger in charge and the remaining copy of Form 1440 will be mailed to such storekeeper-gauger in charge. (Secs. 3070 (a), 3101, 3105, 3107, 3108 (a), 3124 (a) (6), 3176, I. R. C.)

LOSSES OF ALCOHOL

§ 182.635 *Losses in transit.* Losses in transit to bonded warehouses must be determined at the time alcohol is received at the warehouse, and the loss reported on Form 1443–A when received in tank cars or tank trucks, and on Form 1443–B when received in packages. Where the quantity lost from any tank car, tank truck or package exceeds 1 per cent (3 per cent on wooden packages) of the quantity shipped therein, claim for remission of tax on the entire quantity lost from the container will be made by the proprietor, except as herein provided. If the loss does not exceed 1 per cent (3 per cent on wooden packages), so calculated, claim for remission of tax will not be required: *Provided*, That (a) claim for remission of tax will not be required for an amount less than one proof gallon, and (b) there are no circumstances indicating that the alcohol lost, or any part thereof, was unlawfully used or removed. (Secs. 3105, 3107, 3113, 3124 (a) (6), 3176, I. R. C.)

RECORDS AND REPORTS OF PROPRIETOR

§ 182.644 *Form 1441.* The proprietor of each bonded warehouse shall, at the close of each business day, prepare and deliver to the storekeeper-gauger in charge Form 1441, "Daily Report of Transactions," summarizing the production, receipt, and disposal of all alcohol in such bonded warehouse. The form shall be made in duplicate, one copy to be retained by the proprietor and one copy delivered to the storekeeper-gauger in charge, who will forward the same to the district supervisor. All items of alcohol entered in this return on Form 1441 must be carried into the monthly warehouse account, Forms 1443–A and 1443–B, under the same date for which the Form 1441 is rendered.

(a) *Entries from industrial alcohol plant.* In the column headed "Produced and deposited in warehouse" will be entered all alcohol drawn from the receiving tanks of the industrial alcohol plant on the same premises during the day for which the return is rendered. Entry must be made in this column of all alcohol removed from the receiving tanks, whether removed for storage in warehouse in tanks or packages, or whether removed for shipment in tank cars, tank trucks, cases, packages, or by pipe line to a denaturing plant.

(b) *Entries from other warehouses.* The serial numbers and proof-gallon content of packages or tank cars and the State license number and proof-gallon content of tank trucks of alcohol received from other bonded warehouses will be entered in the proper columns under the heading "Received from other bonded warehouses." If there is a difference in the quantity of alcohol thus received from the quantity shipped, special notation shall be made on the Form 1441.

* * * * *

(Secs. 3101, 3105, 3107, 3124 (a) (6), 3171, 3176, I. R. C.)

§ 182.645 *Form 1443–A.* The proprietor of every bonded warehouse shall keep a monthly record, Form 1443–A, "Report of Uncoopered Alcohol," and render monthly reports thereon, in triplicate, of all uncoopered alcohol produced, received, and disposed of. Before the close of the business day next succeeding the day on which the transactions occur entries shall be made in the respective columns of the quantity of alcohol produced and deposited in the warehouse, or received in bond at the bonded warehouse, or packages filled, and the quantities withdrawn for shipment uncoopered. Where the making of the entries is deferred to the next business day, as authorized herein, appropriate memoranda shall be maintained for the purpose of making the entries correctly.

(a) *Received from or produced by.* All alcohol drawn from receiving tanks in the industrial alcohol plant located on the same premises, whether for shipment direct from such receiving tanks or for storage in the warehouse, will be entered on the form. When alcohol is received from other bonded warehouses in tank cars, the symbol and serial number of the tank car and the quantity of alcohol received will be reported. When alcohol is received from other bonded warehouses in tank trucks the State license number of the truck and the quantity of alcohol received will be reported. The amount of alcohol lost in each tank car or tank truck in transit to the warehouse will be entered on the same line with the quantity stated as received in such tank car or tank truck. Losses in transit will not be included with the losses reported in the summary.

(b) *Packages filled.* Under the heading "Packages filled" will be entered the details of all packages filled, whether from receiving tanks in the industrial alcohol plant on the same premises or from storage tanks in the warehouse. Tank cars and tank trucks will not be reported under this heading.

(c) *Withdrawals.* Under the heading "Withdrawal for shipment" will be entered daily the quantity of alcohol shipped in tank cars, or tank trucks, or removed by pipe line to a denaturing plant on the same premises.

(d) *Special entries* — (1) *Repackaging and re-marking.* When the contents of packages in warehouse are repackaged, or packages received from other warehouses are re-marked, memorandum entry will be made in the statement of Packages Filled on Form 1443–A, showing the serial numbers used on the new packages.

(2) *Dumping.* Where the contents of packages are dumped into storage tanks for storage or repackaging of a portion thereof, the quantity dumped will be entered on Form 1443–A in the statement of "Uncoopered Alcohol Received or Produced," with proper explanatory note, and any new packages therefrom will be entered in the statement of "Packages Filled" on the form in the usual manner.

(3) *Other entries.* If alcohol is returned to an industrial alcohol plant for redistillation, appropriate entries will be made on Form 1443–A.

(e) *Summary.* In the appropriate space on Form 1443–A there must be entered at the end of the month a summary of the transactions reported thereon. The actual quantity of alcohol remaining in the storage tanks in the warehouse at the end of the month will be recorded and the losses from the storage tanks must be recorded. (Secs. 3101, 3105, 3107, 3171, 3124 (a) (6), 3176, I. R. C.)

OPERATORS OF INDUSTRIAL ALCOHOL DENATURING PLANTS

RECEIPT OF ALCOHOL

§ 182.696 *From industrial alcohol plant or bonded warehouse not located on the same premises.* Upon receiving Form 1440, with Form 1439, covering alcohol shipped to the denaturing plant, the storekeeper-gauger in charge of the denaturing plant will compare the two forms and deliver Form 1440 to the proprietor of the denaturing plant. When the alcohol is received at the denaturing plant the proprietor and the storekeeper-gauger will examine the shipment and where packages bear evidence of having sustained losses in transit or the railroad tank car or tank truck bears evidence of having sustained a loss, the losses will be determined and a report of such losses and of the examination of the shipment will be made in conformity with the provisions of §§ 182.492, 182.493 and 182.493a.

(a) *Deposit in denaturing plant.* Upon completion of the examination of the containers, the proprietor will accurately determine the quantity received and will check in the receipt of the alcohol against Form 1440 in the presence of the storekeeper-gauger, and will execute the certificate of receipt on both copies of the form and note thereon and on Form 1468–A any loss or deficiency in the shipment. The proprietor will then file one copy of Form 1440 as a permanent record, as provided in § 182.788, and at the close of the day will deliver the other copy to the storekeeper-gauger for transmittal to the district supervisor of his district. On the day of receipt of the alcohol, the storekeeper-gauger shall fill in the certificate of receipt on Form 1439, noting any losses and discrepancies. Where a loss in transit is sustained, the storekeeper-gauger will report the total loss and, in the case of packages, the loss from each package. The storekeeper-gauger will forward the receipted Form 1439 to the district supervisor of the district from which the alcohol was shipped. Such district supervisor will check daily, on receipt, each Form 1439 covering a tank truck shipment, and make any inquiry which he deems necessary with respect to any discrepancy. In the event of failure to receive a form from the storekeeper-gauger at the consignee's premises within the time normally required for the truck to make the

shipment and the form to be sent by mail, the district supervisor will make appropriate investigation. (Secs. 3070, 3105, 3107, 3108 (a), 3114 (a), 3124 (a) (6), 3176, I. R. C.)

§ 182.698a *Alcohol received in tank trucks.* Alcohol received in tank trucks shall be gauged in weighing tanks and transferred immediately to storage tanks or to mixing tanks for immediate denaturation. When alcohol is received in tank trucks, the seals must be broken by the storekeeper-gauger assigned to the denaturing plant and no undenatured ethyl alcohol removed from the tank truck, except in the presence of such officer. (Secs. 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

LOSSES OF ETHYL ALCOHOL

§ 182.774 *Losses in transit.* Losses in transit to denaturing plants must be determined at the time alcohol is received at the denaturing plant, and the loss reported on Form 1468–A. Where the quantity lost from any tank car, tank truck, or metal package exceeds 1 percent, or 3 percent in the case of any wooden package, of the quantity shipped therein, claim for remission of tax on the entire quantity lost from the container will be made by the proprietor, except as herein provided. If the loss does not exceed 1 percent, or 3 percent, so calculated, claim for remission of tax will not be required: *Provided,* That (a) claim for remission will not be required for an amount less than one proof gallon, and (b) there are no circumstances indicating that the alcohol lost, or any part thereof, was unlawfully used or removed. (Secs. 3105, 3107, 3113, 3124 (a) (6), 3176, I. R. C.)

CARRIERS

§ 182.904 *Possession by unauthorized carriers.* The transportation of tax-free or specially denatured alcohol, or of undenatured ethyl alcohol in tank trucks, by a carrier not authorized by permit to transport the same is a violation of law and renders the alcohol subject to forfeiture. (Secs. 3105, 3107, 3108 (a), 3111, 3114 (a), 3124 (a) (6), 3176, I. R. C.)

§ 182.908 *Restricted use of containers*—(a) *Tank wagons or tank trucks.* Tank wagons shall not be used for the transportation of undenatured ethyl alcohol. Tank trucks shall not be used for the transportation of undenatured ethyl alcohol except for transfer in bond between industrial alcohol plants, industrial alcohol bonded warehouses and denaturing plants as authorized by the regulations in this part. Shipment of undenatured ethyl alcohol in tank trucks may be made only when the premises of the consignee are equipped with a sufficient number of alcohol storage tanks for the storage of such alcohol and the consignee is otherwise authorized to receive such shipment.

(b) *Railroad tank cars.* Shipment of alcohol or denatured alcohol by railroad tank cars may be made only when the premises of the consignor and consignee are equipped with satisfactory railroad siding facilities and the consignee is otherwise authorized to receive such shipment. (Secs. 3105, 3107, 3111, 3114 (a), 3124 (a) (6), 3176, I. R. C.)

§ 182.909 *Delivery* — (a) *By shipper to carrier.* The consignor will be responsible for proper delivery of tax-free or specially denatured alcohol, or of undenatured alcohol for transportation in tank trucks, to a carrier holding a basic permit to transport.

(b) *By carrier to United States or governmental agency.* Where tax-free or specially denatured alcohol is shipped to any department, bureau, commission, or independent office or agency of the United States Government, the same may be delivered by the carrier transporting the alcohol or denatured alcohol without the necessity of receiving copy of permit to procure such alcohol.

(1) *Receipt required.* In such cases, however, the person transporting the tax-free or specially denatured alcohol shall procure a receipt from the consignee which receipt shall show the name and address of the consignor and the consignee, the quantity of alcohol or specially denatured alcohol in the shipment, the date of delivery and the name of the person receiving the alcohol as agent for the consignee.

(2) *Filing of receipt.* The receipt shall be filed by the carrier in the file or binder containing copies of withdrawal permits covering other deliveries of tax-free or specially denatured alcohol. (Secs. 3105, 3107, 3111, 3114 (a), 3124 (a) (6), 3176, I. R. C.)

§ 182.910 *Delivery to agent of consignee.* Where the consignee is other than a natural person, a certain agent must be specially designated in writing to receive shipments of tax-free or specially denatured alcohol, or undenatured ethyl alcohol in tank trucks, and the carrier transporting the tax-free or specially denatured alcohol, or undenatured ethyl alcohol, must receive a copy of the document making the designation before delivery. Where the consignee is a natural person, the tax-free or specially denatured alcohol or undenatured ethyl alcohol must be delivered to him personally, unless he furnishes the carrier with an affidavit to the effect that it is impracticable for him to receive the tax-free or specially denatured alcohol or undenatured ethyl alcohol personally and designating some certain agent to receive the same for him, in which event, the carrier may deliver the tax-free or specially denatured alcohol or undenatured ethyl alcohol to such agent. Such affidavits shall be filed in the same manner as receipts, in accordance with the provisions of § 182.909. (Secs. 3105, 3107, 3111, 3114 (a), 3124 (a) (6), 3176, I. R. C.)

§ 182.911 *Inability to deliver.* When tax-free or specially denatured alcohol, or undenatured ethyl alcohol in tank trucks, cannot for any reason be delivered by the carrier at the point of destination, the carrier shall return it to the original shipper in accordance with the regulations of the Interstate Commerce Commission, unless the district supervisor, upon application of the consignor, authorizes delivery of the alcohol to another permittee.

(a) *Notification.* When alcohol or denatured alcohol or undenatured ethyl alcohol is so returned, the carrier shall notify the original shipper and shall forward a copy of the notification to the district supervisor of the district in which the original shipper is located with a statement of the facts. (Secs. 3105, 3107, 3111, 3114 (a), 3124 (a) (6), 3176, I. R. C.)

§ 182.912 *Record book to be kept.* Each person holding a basic permit (Form 145) to transport tax-free or specially denatured alcohol, or undenatured ethyl alcohol in tank trucks, is required to keep at the place of shipment a record in book form containing the following information covering such alcohol received for transportation:

(a) Name and address of the consignor and consignee;

(b) Kind (tax-free, specially denatured or undenatured ethyl alcohol) and quantity of alcohol contained in each package or other container; and

(c) Date of shipment. (Secs. 3105, 3107, 3114, 3124 (a) (6), 3176, I. R. C.)

§ 182.913 *Change in proprietorship, etc.* Where there is a change in the proprietorship, persons interested in the business, or change in the individual, firm, or corporate name, trade name or style of a carrier holding basic permit to transport tax-free or specially denatured alcohol, or undenatured ethyl alcohol in tank trucks, the carrier must comply with the provisions of §§ 182.650 to 182.652. (Secs. 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

3. In order to meet the needs of the industry, this Treasury decision shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 309 (a), 46 Stat. 690, as amended, 53 Stat 307, 318, 336, 340, 355, 357, 358, 359, 360, 362, 364, 373, 374, 375; 19 U. S. C. 1309 (a), 26 U. S. C. 2808, 2829, 2885, 2891, 3070, 3101, 3105, 3106, 3107, 3108, 3111, 3113, 3114, 3115, 3124 (a) (6), 3170, 3171, 3176)

[SEAL] DANIEL A. BOLICH,
Acting Commissioner of Internal Revenue.

Approved: September 22, 1949.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 49–7811; Filed, Sept. 27, 1949; 8:51 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), §§ 203.245 (f), 203.560 (f), 203.712 (l), 203.730, 203.775 (n), and 203.810 (f) are hereby amended, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and*

including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required. * * *

(f) The bridges to which this section applies, and the special regulations applicable in each case, are as follows:

* * * * *

Satilla River, Ga.; State Highway Department of Georgia bridge near Burnt Fort. At least 24 hours' advance notice required.

* * * * *

Pithlachascotee River, Fla.; State Road Department of Florida bridge 1.3 miles above mouth at New Port Richey. At least six hours' advance notice required, except during a hurricane alert issued by the United States Weather Bureau affecting the area when a draw tender shall be constantly on duty and the bridge opened promptly on signal.

* * * * *

§ 203.560 *Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(f) The bridges to which this section applies, and the special regulations applicable in each case, are as follows:

* * * * *

Red River, La. and Ark.; State of Louisiana Department of Highway bridges at Boyce, Grand Ecore, and Coushatta, Louisiana, and St. Louis Southwestern Railway Company bridges at Shreveport, Louisiana, and Garland City, Arkansas. At least 48 hours' advance notice required.

* * * * *

White and Black Rivers, Ark.; Missouri Pacific Railroad Company bridges across White River near Newport and across Black River at Paroquet. At least 24 hours' advance notice required; to be given to the station agent of the Missouri Pacific Railroad Company at Newport or to the draw tender on duty at the bridge desired to be opened. Whenever any vessel passing through either bridge intends to return through it within 24 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passsage of the vessel on its return trip without any further notice.

* * * * *

§ 203.712 *Tributaries of San Francisco Bay and San Pablo Bay, Calif.* * * *

(i) *Mare Island Strait, Napa River, and their tributaries.* * * *

(3) *Napa County highway bridge near Imola.* At least one, and not more than 24 hours' advance notice required. To be given to the operator of the Napa Sewage Disposal Plant, telephone Napa 3050.

(4) *Dutchman Slough; James Irvine Bridge.* At least 24 hours' advance notice required.

(5) *Devil Slough; Russ Investment Company highway bridge.* At least 24 hours' advance notice required.

§ 203.730 *Siuslaw River, Oreg.*—(a) *Oregon State Highway Commission bridge at Florence.* (1) The owner of or agency controlling this bridge shall provide the appliances and personnel necessary for the safe, prompt, and efficient opening of the draw at any time during the day or night for the passage of any vessel or other watercraft which cannot pass under the closed draw when the call signal is received.

(2) The call signal for opening the draw shall be one long blast of a whistle, siren, trumpet, horn, or megaphone followed immediately by one short blast, or one loud and distinct stroke of a bell. When the draw of the bridge can be opened immediately the draw tender shall reply by one long blast of a whistle, horn, siren, trumpet, or megaphone, or one loud and distinct stroke of a bell. If the draw of the bridge cannot be opened immediately, the draw tender shall reply by a succession of short blasts of a whistle, horn, siren, trumpet, or megaphone, or loud and distinct strokes of a bell.

(3) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(4) A copy of the regulations in this paragraph shall be conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can be easily read at any time.

(b) *Southern Pacific Company railroad bridge at Cushman.* (1) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(2) Upon receipt of such advance notice, the authorized representative shall, in compliance therewith, arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(3) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(4) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be read easily at any time, a copy of the regulations in this paragraph together with a notice stating exactly how the authorized representative may be reached.

§ 203.775 *Grays Harbor and tributaries, Wash.; bridges.* * * *

(n) * * *

NOTE: For other special regulations governing operation of this bridge, see § 203.810.

* * * * *

§ 203.810 *Navigable waters in the State of Washington; bridges where constant attendance of draw tenders is not required.* * * *

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

Wishkah River; City of Aberdeen highway bridge at East Second and Young Streets, Aberdeen. Between sunrise and sunset, at least 24 hours' advance notice required. Between sunset and sunrise the draw need not be opened for the passage of vessels.

* * * * *

[Regs. Sept. 6, 1949, 823.01—ENGWO]
(28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 49-7807; Filed, Sept. 27, 1949; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1737]

PART 257—LEASE OR SALE OF SMALL TRACTS, NOT EXCEEDING FIVE ACRES, FOR HOME, CABIN, CAMP, HEALTH, CONVALESCENT, RECREATIONAL OR BUSINESS SITES

FEE

Correction

Federal Register Document 49-7712, published on page 5835 of the issue for Saturday, September 24, 1949, should be designated "Circular 1737" as set forth above.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

UNITED STATES CONSUMER STANDARDS FOR FRESH CARROTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) that the United States Department of Agriculture is considering the issuance of United States Consumer Standards for Fresh Carrots.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards shall file the same with M. W. Baker, Assistant Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington, D. C., not later than 5:30 p. m., e. s. t., on the 30th day after publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.160 *Consumer standards for fresh carrots*—(a) *Styles of carrots.* (1) "Bunched carrots" means untopped carrots which are tied in bunches.

(2) "Carrots with short-trimmed tops" means carrots which have attached leafstems ranging up to 4 inches in length.

(3) "Topped carrots" means carrots which have practically all of the tops clipped off.

(b) *Grades.* (1) U. S. Grade A shall consist of carrots of similar varietal characteristics, the roots of which are firm, clean, fairly well colored, fairly well formed, fairly smooth; which are free from soft rot, and from damage caused by freezing, growth cracks, sunburn, pithiness, woodiness, internal decoloration, oil spray, dry rot, other disease, insects or mechanical or other means. Carrots on the shown face shall be reasonably representative in size and quality of the contents of the container.

(i) Unless otherwise specified, the diameter of each carrot shall be not less than ¾ inch nor more than 1½ inches.

(ii) Bunched carrots shall be free from damage caused by seedstems and shall have tops which are fresh and free from damage by any cause. Tops may be full or clipped back but shall be not less than 12 inches nor more than 20 inches in length. Each bunch shall weigh not less than one pound, including the tops, and contain at least 4 carrots.

(iii) Carrots with short-trimmed tops shall be free from damage caused by seedstems and shall have leafstems which are free from damage by any cause and which are cut back to not more than 4 inches in length.

(iv) Topped carrots shall be well trimmed.

(v) Incident to proper grading and handling, not more than 5 percent, by count, of the carrots in any lot may fail to meet the specified minimum diameter and not more than 10 percent may fail to meet the specified maximum diameter. In addition, not more than 5 percent, by count, of the carrots in any lot may fail to meet the root requirements of the grade including not more than 1 percent for carrot roots affected by soft rot. In addition, for bunched carrots, not more than 10 percent, by count, of the bunches in any lot may have tops which vary from the specified length, and for carrots with short-trimmed tops not more than 5 percent, by count, of the carrots in any lot may fail to meet the requirement for length of leafstem.

(c) *Off-Grade Carrots.* Carrots which fail to meet the requirements of the foregoing grade shall be Off-Grade Carrots.

(d) *Definitions.* (1) "Similar varietal characteristics" means that the carrots in any lot are of the same general type. For example, carrots with a short, blunt growth like the Oxheart variety, shall not be mixed with long or half-long carrots like the Imperator or Danvers varieties.

(2) "Firm" means that the carrot is not soft, flabby or shriveled.

(3) "Clean" means that the individual carrots are practically free from dirt, stain, or other foreign matter.

(4) "Fairly well colored" means that the carrot has an orange, orange red, or orange scarlet color, but not a pale orange or distinct yellow color.

(5) "Fairly well formed" means that the carrot is not so forked or misshapen as to materially affect its appearance or cause a loss of more than 3 percent, by weight, in the ordinary preparation for use.

(6) "Fairly smooth" means that the carrot is not rough, ridged, or covered with secondary rootlets to an extent which materially affects its appearance or causes a loss of more than 3 percent, by weight, in the ordinary preparation for use.

(7) "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality of the individual carrot or carrots in the lot; or causes a loss of more than 3 percent, by weight, in the ordinary preparation for use. Any one of the following defects or combination of defects the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(i) Growth cracks which are unhealed; healed growth cracks which are not shallow and not smooth, or which materially affect the appearance of the carrot.

(ii) Sunburn which causes a loss of more than 3 percent, by weight, in the ordinary preparation for use, except that superficial light green color at the stem end which does not materially affect the appearance of the root shall be permitted.

(8) "Diameter" means the greatest dimension of the root taken at right angles to the longitudinal axis.

(9) "Fresh" means that the tops are not badly wilted.

(10) "Tops which are free from damage by any cause" means that not more than 10 percent, by count, of the bunches in any lot may have any injury which materially affects the appearance of the tops. The appearance of individual bunches shall be considered materially affected when the tops are trimmed to the extent that only a relatively few leaves or leafstems remain. The appearance of bunches with tops having slight discoloration such as yellowing, browning or other abnormal color affecting a few leaflets shall not be considered materially affected if the tops as a whole show a predominantly normal green color.

(11) "Leafstems which are free from damage by any cause" means that not more than 10 percent, by count, of the carrots in any lot may have leafstems with any injury which materially affects their appearance.

(12) "Well trimmed" means that the tops shall be cut back to not more than 1 inch in length.

Done at Washington, D. C., the 23d day of September 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-7817; Filed, Sept. 27, 1949; 8:53 a. m.]

[7 CFR, Part 987]

IRISH POTATOES GROWN IN MAINE

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget of expenses and rate of assessment which are hereinafter set forth and were recommended by the State of Maine Potato Committee, established pursuant to Marketing Agreement No. 108 and Order No. 87 (7 CFR 987.1 et seq.), regulating the handling of Irish potatoes grown in the State of Maine, effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 987.202 *Budget of expenses and rate of assessment.* The expenses necessary to be incurred by the State of Maine Potato Committee, established pursuant to Marketing Agreement No. 108 and Order No. 87, to enable such committee to carry out its functions, pursuant to provisions of the aforesaid marketing agreement and order, during the fiscal year ending June 30, 1950, will amount to $40,000.

The rate of assessment to be paid by each handler who first ships potatoes shall be eighty cents per railroad carload or truckload of a net weight of 30,000 pounds or more; or fifty cents per truckload of at least 10,000 pounds but less that 30,000 pounds net weight; or 25 cents per truckload of less than 10,000 pounds net weight, of potatoes handled by him as the first handler thereof during such fiscal year.

Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 108 and Order No. 87.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 23d day of September 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-7818; Filed, Sept. 27, 1949; 8:53 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Ch. I]

[Docket No. FDC-56]

CANNED PINEAPPLE AND CANNED PINEAPPLE JUICE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of fixing and establishing definitions and standards of identity, standards of quality, and standards of fill of container for canned pineapple and canned pineapple juice:

Pursuant to the application of the Pineapple Research Institute of Hawaii for a postponement of the hearing in the above-entitled proceeding, notice is hereby given that the public hearing for

the purpose of receiving evidence upon the basis of which regulations may be promulgated fixing and establishing definitions and standards of identity, quality, and fill of container for canned pineapple and canned pineapple juice, heretofore announced to commence on October 17, 1949 (14 F. R. 4887), be postponed to commence at 10:00 o'clock in the morning of October 16, 1950, in the Federal Security Building, Independence Avenue and Fourth Street SW., Washington, D. C.

Dated: September 21, 1949.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 49-7809; Filed, Sept. 27, 1949; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 142]

[Ex Parte 170]

COMMON CARRIERS OF PROPERTY BY EXPRESS

SETTLEMENT OF RATES AND CHARGES

SEPTEMBER 21, 1949.

By Public Law 197, 81st Congress, approved August 2, 1949, section 3, paragraph (2) of the Interstate Commerce Act was amended, effective February 2, 1950, to include express companies subject to Part I of the Interstate Commerce Act among the types of carriers whose credit practices are subject to regulation by the Commission. The Railway Express Agency, Inc., has filed a petition requesting the establishment of rules to cover the extension of credit pursuant to the above amendment, and has submitted proposed rules, hereto attached as Appendix A. There is also attached hereto as Appendix B an excerpt from the petition showing a portion of the explanation in support of such rules. Interested parties may obtain a copy of the petition from the Railway Express Agency at the address shown below.

Anyone interested may, on or before October 20, 1949, show to the Commission in writing (6 copies and the original) any cause or reason why the Commission shall not thereafter prescribe the rules and regulations attached hereto as Appendix A, and a copy thereof shall be served upon Mr. J. H. Mooers, General Counsel for the Railway Express Agency, Inc., 230 Park Avenue, New York 17, New York. Reply (6 copies and original) thereto may be filed by the Railway Express Agency, Inc., on or before November 4, 1949, and a copy of such reply shall be served upon the person or persons whose representation occasions the reply. Statements in support of the petition may also be filed with the Commission on or before October 20, 1949. No oral hearing will be held unless request is made and a need therefor is shown. Any requests for a hearing should be filed on or before November 4, 1949.

Notice to the general public will be given by depositing a copy of this notice and a copy of the petition in the office of the Secretary of the Commission, for public inspection, and by filing copies of the notice with the Director, Division of the Federal Register.

[SEAL] W. P. BARTEL,
Secretary.

APPENDIX A

RULES PROPOSED BY THE RAILWAY EXPRESS AGENCY, INC.

1. Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, express companies may relinquish possession of express in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period of 7 days, excluding Saturdays, Sundays and legal holidays, computed as hereinafter set forth. The credit period shall run from the first 12 o'clock midnight following the presentation of the express bill.

2. Where an express company has relinquished possession of express and collected the amount of the tariff charges represented in an express bill presented by it as the total amount of such charges, and another express bill for additional express charges is thereafter presented to the shipper, the express company may extend credit in the amount of such additional charges for a period of 30 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented express bill.

3. Express bills for all transportation charges may cover all transactions, collect shipments delivered and prepaid shipments picked up, handled during a calendar week, designated as the billing week. Express bills for all transportation charges shall be presented to the shippers within 4 working days following the close of the billing week. When mail service is used the time of mailing by the carrier shall be deemed to be the time of presentation of the bills. In case of dispute as to the time of mailing the postmark shall be accepted as showing such time.

4. The mailing by the shipper of valid checks, drafts or money orders, which are satisfactory to the express company, in payment of express charges within the credit period allowed such shipper may be deemed to be the collection of the tariff rates and charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing the postmark shall be accepted as showing such time.

5. These rules shall become effective February 2, 1950, and shall apply to express companies subject to Part I of the Interstate Commerce Act.

APPENDIX B

EXCERPT FROM PARAGRAPH VI OF THE PETITION

The main difference between the suggested rules for express companies and rules heretofore prescribed for other types of carriers is in the time allowed, after the close of the billing period, for the preparation and presentation of bills. Because of the large volume of small transactions that is characteristic of express service as distinguished from other classes of service where the unit is in carloads or truckloads, or tons or even as to l. c. l. or l. t. l., where the average weight per shipment is many times that of express l. c. l. shipments which average about 50 pounds, the accounting and clerical work involved in the preparation of bills is exceedingly heavy. Under the conditions obtaining in the express service a time of less than 4 working days after the close of the billing period for the preparation and presentation of bills would be wholly inadequate and could only be met at a greatly increased expense which would be of benefit to no one.

[F. R. Doc. 49-7800; Filed, Sept. 27, 1949; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Notice 6, Amdt.]

YUMA MESA DIVISION, GILA IRRIGATION PROJECT, ARIZONA

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGE

AUGUST 23, 1949.

In accordance with the authority delegated to the Regional Director pursuant to the act of June 17, 1902 (32 Stat. 388), as amended or supplemented, the following amendment is made to Public Notice No. 6, Public Notice of Annual Water Rental Charge, issued January 3, 1949:

Paragraph 2 (a), *Charges and terms of payment, for lands in the Yuma Mesa Division situate within the North and South Gila Valleys,* is amended by adding the following thereto:

For such lands not irrigated before October 1 of any year but receiving water after that date, the minimum charge shall be $0.75 per acre for each acre of land for which water service is requested, payment of which will entitle the applicant to 1 acre-foot of water per acre; additional water will be furnished at the rate of $0.75 per acre-foot.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

E. A. MORITZ,
Regional Director.

[F. R. Doc. 49-7796; Filed, Sept. 27, 1949; 8:47 a. m.]

[No. 38]

ORLAND IRRIGATION PROJECT, CALIFORNIA

PUBLIC NOTICE OF ANNUAL OPERATION AND MAINTENANCE CHARGES

SEPTEMBER 15, 1949.

1. *Operation and maintenance charges.* The minimum annual operation and maintenance charge for the irrigation season of 1950 and thereafter until further notice for all lands of the Orland Project, California, under public notice shall be $4.77 per irrigable acre, whether water is used or not, which charge will permit the delivery of not to exceed 3 acre-feet of water per irrigable acre per annum. This charge includes $0.67 per acre in payment for rehabilitation and betterment work accomplished on the

project. Additional water up to the amount of the surplus natural flow water, or operational spill from Stony Gorge Dam, used prior to the time it becomes necessary to draw upon the storage supply, will be furnished at the rate of $0.10 per acre-foot. Further additional water, if available, will be furnished during the irrigation season at the following rates:

	Per acre-foot
First acre-foot per acre	$1.00
Second acre-foot per acre	1.25
Third and additional acre-feet feet per acre	1.50

2. *Time of payment.* The minimum charge for the 1950 irrigation season, together with charges for additional water used during the 1949 irrigation season, shall be payable on or before December 31, of this year.

3. *Penalties.* If payment of the charges, or any part thereof, is not made on or before the due date, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid, and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue. No water shall be delivered until all charges and penalties have been paid in full.

4. *Place of payment.* All payments should be made to the Bureau of Reclamation, Orland, California.

(Act of June 17, 1902, 32 Stat., 388, as amended or supplemented)

PHIL DICKINSON,
Acting Regional Director.

[F. R. Doc. 49-7797; Filed, Sept. 27, 1949; 8:47 a. m.]

[No. 39]

ORLAND IRRIGATION PROJECT, CALIFORNIA

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

SEPTEMBER 15, 1949.

1. Announcement is hereby made that, pending the cancellation of water rights on lands now delinquent in the payment of charges due the United States and the transfer of said water rights to other lands in private ownership that can be served from the constructed canal system, or minor extensions, on the Orland Project, California, water will be furnished during the irrigation season of 1950 and thereafter until further notice, upon approved applications for temporary water service for the irrigation of such other lands, upon a water rental basis, at the following rates and terms.

2. *Charges and terms of payment.* The minimum water rental charge for the lands to be irrigated under the provisions of this public notice shall be $4.77 per irrigable acre, which charge will permit the delivery of not to exceed 3 acre-feet of water per irrigable acre per annum. Additional water, if available, will be furnished at the following rates:

	Per acre-foot
First acre-foot per acre	$1.00
Second acre-foot per acre	1.25
Third and additional acre-feet per acre	1.50

The minimum charge will be payable at the time that application for temporary water service is executed and no water will be delivered until the minimum charge has been paid in full. Charge for additional water at the rates above-specified must be paid in advance of the delivery of additional water and no advance payments shall be accepted in sums of less than $10.00.

3. *Application for, and payment of service.* Applications for water service and the payments required by this notice will be received at the office of the Bureau of Reclamation, Orland, California.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

PHIL DICKINSON,
Acting Regional Director.

[F. R. Doc. 49-7798; Filed, Sept. 27, 1949; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FEEDING, WATERING, AND RESTING LIVESTOCK IN COURSE OF INTERSTATE TRANSPORTATION

STATEMENT OF POLICY

It is the view of the Department of Agriculture that the feeding, watering, and resting of livestock in the course of transportation by railroad, from one State, Territory, or the District of Columbia into or through another, in accordance with the recommendations set out herein will meet the requirements of the Twenty-Eight Hour Law (34 Stat. 607; 45 U. S. C. 71-74).

1. *Amount of feed.* (a) Under normal conditions, the amounts of feed designated in the following schedule will be considered as sustaining rations for livestock in transit when fed at the intervals required by the Twenty-Eight Hour Law:

Species and quantity of livestock	At first feeding station	At second and subsequent feeding stations
Cattle and beef type or range calves (for each car)	200 pounds of hay [1]	300 pounds of hay.[1]
Dairy calves (for each car deck)	100 pounds of hay [1]	150 pounds of hay.[1]
Horses and mules (for each car)	400 pounds of hay [1]	400 pounds of hay.[1]
Sheep and goats (for each car deck)	200 pounds of hay [1]	300 pounds of hay.[1]
Lambs and kids (for each car deck)	100 pounds of hay [1]	150 pounds of hay.[1]
Swine (for each carload lot, in single or double deck car, the amount of shelled corn [1] indicated).		
Lots of not more than 18,000 pounds	2 bushels	2 bushels.
More than 18,000 pounds but not more than 21,000 pounds	2½ bushels	2½ bushels.
More than 21,000 pounds but not more than 24,000 pounds	3 bushels	3 bushels.
More than 24,000 pounds but not more than 27,000 pounds	3½ bushels	3½ bushels.
More than 27,000 pounds but not more than 30,000 pounds	4 bushels	4 bushels.
More than 30,000 pounds	Proportionately larger amounts.	

[1] Or the equivalent in other suitable feed. Dairy calves too young to eat hay or grain, or shipped without their dams, should be given a sufficient amount of prepared calf feed, milk, raw eggs, or other suitable feed. All feed should be of good quality.

(b) When the owner of a consignment of livestock desires that they be fed larger amounts of feed than those designated in paragraph 1 (a) for the particular kind and quantity of livestock, or the carrier believes that they should be fed larger amounts, the amounts to be fed should be agreed upon, if practicable, by the owner and the carrier at the time the animals are offered for shipment.

(c) When emergency conditions arise, such as severe changes in the weather, which increase the rigors of transportation, the livestock should receive amounts of feed, additional to those designated in paragraph 1 (a), sufficient to sustain them until they arrive at the next feeding station or destination.

(d) When the movement of livestock is delayed en route so that the period of their confinement in the cars materially exceeds that limited by the Twenty-Eight Hour Law, the livestock should receive additional feed in proportion to such excess time.

2. *Two or more feedings at same station.* When livestock are held at a feeding station 12 hours after the last previous feed has been substantially consumed, they should again be fed the ration prescribed by paragraph 1 (a) for that station: *Provided, however,* That they may be held without such feeding for a period longer than 12 hours if the time they are so held, added to the time required to reach the next feeding station or destination, whichever is closer, would not ordinarily exceed 40 hours.

3. *Feeding, watering, and resting livestock in the car.* (a) Livestock should be unloaded into pens of the character described in paragraph 5 (a), for feeding, watering, and resting, unless there is ample room in the car for all of the animals to lie down at the same time.

(b) If livestock are watered in the car, adequate facilities should be provided and ample water furnished to insure all the animals an opportunity to drink their fill. In the case of hogs, water should be available for not less than one hour.

(c) Livestock unloaded for feed and water and returned to the car for rest should be allowed to remain in the pens not less than two hours.

(d) Livestock unloaded for water and returned to the car for feed and rest should be allowed to remain in the pens not less than one hour.

(e) When livestock are fed in the car, the feed should be evenly distributed throughout the car.

4. *Watering.* Livestock should be furnished an ample supply of potable water. Water treated with chemicals for industrial or boiler use, or taken from streams or ponds containing sewage, mud, or other objectionable matter should not be used. Troughs and other receptacles should be clean. In cold weather, the water should be free from ice.

5. *Feeding pens.* (a) Stock pens and other enclosures used for feeding, watering, and resting livestock in transit should have (1) sufficient space for all of the livestock to lie down at the same

time, (2) properly designed facilities for feeding and watering the livestock, (3) reasonably well drained, clean, and safe floors of concrete, cinders, gravel, hard-packed earth, or other suitable material, and (4) suitable protection from weather reasonably to be expected in the region in which the pens are located.

(b) Care should be taken to protect livestock unloaded en route at a point having marked difference in temperature from that at the point from which they were shipped.

The policy herein declared shall become effective on November 22, 1949, and, on that date shall supersede the policy stated in the circular letter of this Department dated April 23, 1919, regarding the same subject.

Done at Washington, D. C., this 23d day of September 1949. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 49-7805; Filed, Sept. 27, 1949; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2196 et al.]

NEW ENGLAND CENTRAL AIRWAYS SYSTEM, INC., ET AL.; SERVICE IN NEW ENGLAND STATES CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications of New England Central Airways System, Inc., and other applicants for certificates and amendment of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, authorizing the establishment of new and/or additional air transportation services of persons, property and mail in the New England area and the application of Northeast Airlines, Inc., under section 401 (k) of said act, for authorization to abandon air service at the cities of Islip, New York, Riverhead, New York, and New London, Connecticut, if such abandonment is found to be in the public interest.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on October 24, 1949, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 22, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

†F. R. Doc. 49-7813; Filed, Sept. 27, 1949; 8:51 a. m.]

[Docket No. 3751]

LINEA AEROPOSTAL VENEZOLANA

NOTICE OF ORAL ARGUMENT

In the matter of the application of Linea Aeropostal Venezolana under section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing the foreign air transportation of persons, property and mail between (1) Maiquetia, Venezuela, Havana, Cuba, and Miami, Florida; and (2) Maiquetia, Venezuela, Havana, Cuba, New York, New York, and Montreal, Canada.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above matter is assigned to be heard October 10, 1949, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 22, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-7812; Filed, Sept. 27, 1949; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-828, G-1240]

PANHANDLE EASTERN PIPE LINE CO.

ORDER CONSOLIDATING PROCEEDINGS

SEPTEMBER 22, 1949.

On December 9, 1946, the Commission issued an order in Docket No. G-828 suspending (1) Supplement No. 19 to Panhandle Eastern Pipe Line Company Rate Schedule FPC No. 71 and (2) Panhandle Eastern Pipe Line Company Rate Schedule FPC No. 112. The aforesaid supplement and rate schedule concern the sale of natural gas in interstate commerce to Central Indiana Gas Company.

The Commission's order of December 9, 1946, provided, among other things, as follows:

(A) A public hearing be held on a date and at a place to be hereafter fixed by further order of the Commission concerning the lawfulness of the proposed conditions of service as would be effected by Supplement No. 19 to Panhandle Eastern Pipe Line Company Rate Schedule FPC No. 71 and Panhandle Eastern Pipe Line Company Rate Schedule FPC No. 112.

On September 19, 1949, Panhandle Eastern Pipe Line Company filed a motion in accordance with section 4 (c) of the Natural Gas Act making effective the aforesaid supplement and rate schedule.

The Commission finds: Good cause exists for consolidating for purposes of hearing the proceedings in Docket No. G-828 and Docket No. G-1240.

The Commission orders: The proceedings in Docket Nos. G-828 and G-1240 be and the same hereby are consolidated for the purpose of hearing to commence on September 26, 1949, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: September 23, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-7792; Filed, Sept. 27, 1949; 8:46 a. m.]

[Docket No. G-1278]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION

SEPTEMBER 22, 1949.

Take notice that on September 12, 1949, Consolidated Gas Utilities Corporation (Applicant), a Delaware corporation with its principal office in Oklahoma City, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following natural gas facilities:

A 1,200 hp. compressor station located in the Northeast quarter of Section 22-5N-8W, Grady County, Oklahoma.

Applicant proposes to construct and operate the above described compressor station in order to continue supplying gas from its gathering system in the Chickasha Field to the Cities Service Gas Company's pipeline. The latter, in turn, re-delivers and re-sells a portion of the gas at Blackwell, Oklahoma, to the Applicant's pipeline system having its terminii at Wheeler, Texas, and Lyons, Kansas.

Applicant states that installation of compressors on the system is made necessary by the decline in pressure of the gas producing wells.

The estimated cost of the proposed facilities is $284,019.00.

The proposed financing will be by the issuance and sale of First Mortgage Sinking Fund Bonds Series C at 99% and bearing 3% interest. The securities are to be sold to ten institutional purchasers.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-7802; Filed, Sept. 27, 1949; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application 18]

NORTH ATLANTIC PORT RAILROADS

APPROVAL OF AGREEMENT RELATING TO TIDEWATER COAL DEMURRAGE AND DETENTION CHARGES

SEPTEMBER 21, 1949.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed by: A. F. McIntyre, Attorney-in-Fact, Broad Street Station Building, Philadelphia 4, Pa.

Agreement involved: An agreement between and among common carriers by railroad relating to procedures for the joint consideration, initiation, and establishment of tidewater demurrage and detention charges, and rules and regulations pertaining thereto, on coal or products thereof, at North Atlantic Ports.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 49-7799; Filed, Sept. 27, 1949; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-134]

NIAGARA HUDSON POWER CORP. ET AL.

ORDER APPROVING PLAN AND GRANTING AND PERMITTING APPLICATIONS AND DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of September 1949.

In the matter of Niagara Hudson Power Corporation, Union Bag & Paper Power Corporation, New York Power and Light Corporation, File No. 54-134.

Niagara Hudson Power Corporation ("Niagara Hudson"), a registered holding company, and New York Power and Light Corporation and Union Bag & Paper Power Corporation, subsidiaries of Niagara Hudson, having filed a joint application under section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan proposing the merger of Union Bag & Paper Power Corporation into New York Power and Light Corporation and related transactions; and

A public hearing having been held after appropriate notice, the Commission having considered the record and finding that all of the outstanding securities of Union Bag and the common stock of New York Power are owned by Niagara Hudson, that the properties of Union Bag are located in the same area and interconnected with the properties of New York Power from whom Union Bag derives 78% of its revenues, that the plan will eliminate an unnecessary corporate entity in the Niagara Hudson system, and that the plan is necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected:

It is ordered, pursuant to section 11 (e) of the act, and other applicable provisions of the act, that the plan be, and hereby is, approved, and that the applications and declarations with respect to the transactions involved in consummation of the plan be, and they hereby are, granted and permitted to become effective, respectively, subject to the conditions specified in Rule U-24 of the general rules and regulations promulgated under the act.

The applicants having requested that the order of the Commission herein conform to the formal requirements specified in Supplement R and section 1808 (f) of the Internal Revenue Code and contain the recitals and specifications prescribed therein; and it appearing to the Commission that applicants' request in this respect should be granted:

It is further ordered and recited, That the transactions proposed in the aforesaid plan to be effected by Niagara Hudson Power Corporation, New York Power and Light Corporation and Union Bag & Paper Power Corporation, including particularly those hereinafter described and recited, are necessary or appropriate to effectuate the provisions of subsection (b) of section 11 of the Public Utility Holding Company Act of 1935 and are hereby authorized, approved and directed:

(1) The issuance to Niagara Hudson Power Corporation by New York Power and Light Corporation of 100,000 additional shares of no par value common capital stock of said New York Power and Light Corporation;

(2) The transfer to New York Power and Light Corporation by Niagara Hudson Power Corporation of 5,000 shares of the common capital stock of Union Bag & Paper Power Corporation now outstanding; and

(3) The transfer or conveyance to New York Power and Light Corporation upon and by the effect of the merger of New York Power and Light Corporation and Union Bag & Paper Power Corporation of all the right, title and interest of Union Bag & Paper Power Corporation in and to any lands, tenements or realty.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-7795; Filed, Sept. 27, 1949; 8:46 a. m.]

[File No. 70-2196]

WEST PENN ELECTRIC CO.

SUPPLEMENTAL ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND RESERVING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 21st day of September A. D. 1949.

The West Penn Electric Company ("Electric"), a registered holding company, having filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935, regarding the issuance and sale, at competitive bidding pursuant to Rule U-50, of $31,000,000 principal amount of Collateral Trust Sinking Fund Bonds, the issuance on subscription rights to present holders of its common stock of 468,621 shares of new common stock, the issuance on exchange offers to present holders of its preferred and Class A stocks of 388,274 shares of new common stock, and the issuance and sale to underwriters of the balance of the above aggregate of 856,895 shares of new common stock not taken on subscription rights or on exchange offers;

The Commission having by order dated August 31, 1949, granted an exception to the competitive bidding requirements of Rule U-50 with respect to the sale to underwriters of the balance of new common stock not taken by subscription rights or exchange offers and having by order dated September 14, 1949, permitted the declaration to become effective, subject, among other requirements to the conditions that the proposed issuance and sale of these securities should not be consummated until the results of competitive bidding with respect to the bonds, the negotiations with underwriters with respect to the common stock, and the terms of the subscription rights and exchange offers have been made a matter of record in this proceeding and a further order entered by the Commission on the basis of the record as so completed;

Electric having now filed an amendment to the declaration stating that, pursuant to the competitive bidding requirements of Rule U-50, the following bids were received for the bonds:

Bidder	Interest rate	Price	Cost of money to the company
	Percent		
Lehman Bros. and Goldman, Sachs & Co.	3¼	101.5799	3.405626
W. C. Langley & Co. and The First Boston Corp.	3½	101.3099	3.421618
Kuhn Loeb & Co. and Harriman Ripley & Co., Inc.	3⅜	100.55	3.840579

It appearing that Electric has accepted the bid of Lehman Brothers and Goldman, Sachs & Co. and that the bonds are to be resold to the public at 102.526, plus accrued interest from September 1, 1949, representing a spread to the underwriters of 0.9461% on the bonds;

It further appearing that, pursuant to negotiations conducted by the company with a number of investment bankers subsequent to our order granting an exception from Rule U-50, Lehman Brothers and Goldman, Sachs & Co. were engaged to act as underwriters for the sale of the new common stock; that, pursuant to this underwriting undertaking, the new common is to be offered on subscription rights at 23⅝ and is to be offered in exchange for preferred and Class A Stock at 24⅜; that all shares not subscribed for or accepted on exchange will be taken by the underwriters at their respective initial offering prices; and that the underwriters commission will be 71 cents for each share initially offered for subscription and 75 cents for each share initially offered for exchange (which will represent the full commission regardless of the number of shares taken on subscription or accepted on exchange);

It is ordered, That the declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions of Rule U-24 and to the further condition that the reservation of jurisdiction with

respect to the payment of fees and expenses applicable to these transactions and heretofore reserved by the Commission, be, and the same hereby is, continued in full force and effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-7794; Filed, Sept. 27, 1949; 8:46 a. m.]

[File No. 70-2221]

DUQUESNE LIGHT CO.

NOTICE OF FILING

At a regular session of the securities and Exchange Commission held at its office in the city of Washington, D. C., on the 21st day of September 1949.

Notice is hereby given that there has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") an application by Duquesne Light Company ("Duquesne"), a public utility company and a subsidiary of Standard Power and Light Corporation, Standard Gas and Electric Company, and Philadelphia Company, all registered holding companies. Applicant has designated sections 6 (a) and 6 (b) of the act and Rule U-50, promulgated thereunder, as applicable to the proposed transaction.

Notice is further given that any person may, not later than October 5, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter said application may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application, which is on file in the office of the Commission, for a statement of the transaction therein proposed, which may be summarized as follows:

Duquesne proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $15,000,000 principal amount of a new series of First Mortgage Bonds, Series due October 1, 1979. The bonds are to be issued under the provisions of a Trust Indenture, dated August 1, 1947, from Duquesne to Mellon National Bank and Trust Company, as Trustee, as supplemented by a Supplemental Trust Indenture, dated September 20, 1948, and as further supplemented by a Second Supplemental Trust Indenture to be dated as of September 30, 1949, and a Third Supplemental Trust Indenture to be dated as of October 1, 1949. The price, to be not less than 100% or more than 102¾% of the principal amount, and the coupon rate, to be a multiple of ⅛ of 1%, are to be determined by the bidding.

The proceeds of the proposed issuance and sale of said bonds are to be used by Duquesne, in part, to repay outstanding short-term bank loans incurred to finance temporarily its construction program, and the balance, for general corporate purposes including payment of a portion of the cost of the company's construction program.

The application states that the Pennsylvania Public Utility Commission has jurisdiction with respect to the proposed issuance and sale of said bonds.

Duquesne requests that the Commission's order be issued by October 6, 1949, and that it become effective forthwith upon issuance. Duquesne further requests that the ten-day notice period for invitation of bids required by Rule U-50 (b) be shortened to six days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-7793; Filed, Sept. 27, 1949; 8:46 a. m.]

UNITED STATES MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD., ET AL.

NOTICE OF AGREEMENTS FILED WITH COMMISSION FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended:

Agreement 7840-10, between the member lines of the Atlantic Conference, adds to Art. 8, Annex No. 1, of Agreement No. 7840, as amended, an additional commentary which provides that officers and employees include pensioned officers and employees and their wives and dependent children under 18 years of age, provided they are not engaged in any other business and receive free transportation from the railroad, and provided further that the railroad grants reciprocal privileges to pensioned employees of the lines. The original commentary provides that officers and employees of terminal railroads may be allowed the 25% reduction on one-way or round-trip ocean fares allowed railroad officers and employees. Agreement 7840 covers the establishment of the Atlantic Conference, the purpose of which is to promote and cultivate trans-Atlantic travel, maintain cooperation among the member lines, establish and maintain equitable fares, regulate commissions, coordinate action, harmonize policies and regulate conditions generally for or in connection with the transportation of passengers in the trade between all ports of European, Mediterranean, and Black Sea countries, also the ports of Morocco, Madeira and the Azores Islands—and all ports on the East Coast of North America (United States, Canada and Newfoundland), also United States Gulf ports.

Agreement 7716, between American President Lines, Ltd. (originating carrier) and Alcoa Steamship Company, Inc. (West Indies carrier), covers transportation of general cargo under through bills of lading in the trade from Japan, China (including Hongkong), Federation of Malaya, Colony of Singapore and Indonesia to the Virgin Islands, with transshipment at New York. Through rates will be named by the originating carrier and will be filed with the U. S. Maritime Commission. The basis for apportionment of through rates and division of transshipment expense is set forth in the agreement.

Agreement 7554-5, between Aktieselskapet Ivarans Rederi, Skibsaktieselskapet Igadi, A/S Besco, and A/S Lise, amends the joint service agreement (No. 7554, as amended) of the Ivaran Lines-Far East Service by adding to Article 2 thereof new provisions stating that (1) bills of lading and passenger tickets shall clearly show the name of the carrier (party to Agreement 7554) for whose account the vessel is operated, (2) conference deposits shall be made by Aktieselskapet Ivarans Rederi on behalf of all the parties, and (3) conference expenses not directly chargeable to a vessel shall be apportioned and borne pro rata among the parties in accordance with the number of vessels which they shall respectively contribute to the joint service. Agreement 7554 covers the establishment and maintenance by the parties of a joint cargo service with limited passenger accommodations under the trade name Ivaran Lines-Far East Service in the trade between U. S. Atlantic and Gulf ports (including loading and discharging of part or full cargoes at U. S. Pacific Coast ports, but excluding transportation within the purview of the U. S. Coastwise laws) and Japan, Korea, Formosa, Siberia, Manchuria, China, Indo-China, Siam, the Philippine Islands, Straits Settlements, Malayan Peninsula, Java, Netherlands East Indies, Celebes and Borneo.

Interested parties may inspect these agreements and obtain copies thereof at the Commission's Office of Regulation, Washington, D. C. and may submit to the Commission within 20 days after publication of this notice written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 10, 1949.

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 49-7821; Filed, Sept. 27, 1949; 8:53 a. m.]